

GOVERNMENT

OF

THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

+ + + + +

WEDNESDAY

MAY 5, 1999

The Public Hearing convened in Room 220, 441
4th Street, N.W., Washington, D.C. 20001, pursuant to notice
at 11:45 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

| | |
|-------------------|---------------------|
| SHEILA CROSS REID | Chairperson |
| BETTY KING | Vice Chair |
| JERRY GILREATH | Board Member |
| ANTHONY HOOD | Zoning Commissioner |

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STAFF PRESENT:

Sheri M. Pruitt, Director
Alberto Batista, Staff
John Nyarku, Staff
Paul Hart, Staff
Beverly Bailey, Staff
Alan Bergstein, Esq., Staff

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P-R-O-C-E-E-D-I-N-G-S

(11:45 a.m.)

MS. REID: Good morning.

MR. PETTIWAY: Good morning.

MS. REID: This hearing will please come to order. This is the May 5th public hearing of the Board of Zoning Adjustment, District of Columbia. My name is Sheila Cross Reid, Chairperson.

Joining me today are Betty King and Jerry Gilreath representing the National Capital Planning Commission.

Copies of today's hearing agenda are available to you. They're located to my left near the door.

All persons planning to testify, either in favor or in opposition, are asked to fill out two witness cards. These cards are located at the end of the table in front of us. Before speaking to the Board, please give both cards to the reporter who's seated to my right.

Order of procedure for special exception and various cases will proceed as follows. 1) statement and witnesses of the applicant, 2) government reports including Office of Planning, Department of Public Works, ANC, etcetera, persons or parties in support, persons or parties in opposition, and closing remarks by the applicant.

Cross examination of witnesses is permitted for persons or parties with direct interest in the case.

1 The record will be closed at the conclusion of
2 each case except for any materials specifically requested by
3 the Board, and the staff will specify at the end of the
4 hearing exactly what is expected.

5 Decision of the Board in these contested cases
6 must be based exclusively on the public record. To avoid any
7 appearance to the contrary, the Board requests that persons
8 present not engage the members of the Board in conversation.

9 At this time, the Board will consider any
10 preliminary matters. Preliminary matters are those which
11 relate to whether a case will or should be heard today, but
12 requests for postponement, continuance or whether proper and
13 adequate notice of the hearing has been given.

14 If you are not prepared to go forward with the
15 case today or if you believe that the Board should not
16 proceed, now is the time to raise such a matter.

17 Does staff have any preliminary matters?

18 MR. HART: No.

19 MS. REID: Call the case, please.

20 MR. HART: Case No. 16444, Application of St.
21 Martin's Catholic Church/City Lights School, pursuant to 11
22 DCMR 3108.1 for special exception under Section 206 to make
23 alterations to a special education/alternative education
24 school and to construct an addition to the school to be used
25 as a vocational arts building to train students in industrial
26 arts (carpentry, etcetera). The property is located in an R-4

1 District at premises 62 T Street, N.E. (Squares 3531 and 3532,
2 Lots 824, 826 and 834).

3 Those persons planning to testify, please raise
4 your right hand and take the oath.

5 (The witnesses were sworn.)

6 MR. PETTIWAY: My name is Ron Pettiway. I'm
7 the Executive Director of City Lights School. And to my right
8 here is Mr. Joe Quarterman who is the architect for the school
9 for this particular project. And before I begin, I
10 would like to ask the committee, could I get their permission
11 to submit this document here to make it part of the record
12 that addresses Article 206.

13 MS. REID: Okay.

14 MR. PETTIWAY: I have two more copies of you
15 need them.

16 MS. KING: Here's an extra one here.

17 MS. REID: Okay. You're going to have to just
18 project your voice because we don't have our recording system
19 operating properly today. So just speak loud.

20 MR. PETTIWAY: Speak loud. Okay.

21 MS. REID: Okay. Before you start, Mr.
22 Pettiway, there was a request for fee exemption for your
23 organization, and we'd like to address that at this time. We,
24 as the BZA, does not have authorization to be able to waive
25 fees for nonprofit organizations or anyone else, for that
26 matter. That's beyond our purview, so that is not something

1 that, even though we would like to some times in certain
2 circumstances, it is just beyond our authorization to be able
3 to do so.

4 MR. PETTIWAY: Okay. Thank you.

5 City Lights School is a nonprofit school that
6 provides special education services to kids in the District of
7 Columbia. We currently have a capacity of 85 kids, but we
8 currently have 78 that are enrolled. And what we would like
9 to do is to enhance our vocational training program by
10 building a vocational shop that will train these special ed
11 kids in drywalling, basic carpentry and a little bit of finish
12 painting.

13 And to that end, I've worked with Mr.
14 Quarterman to help design that shop and now Mr. Quarterman can
15 give you an idea of what the shop would look like.

16 MS. KING: Excuse me. What other classes will
17 the participants who are using this facility be taking?

18 MR. PETTIWAY: What other courses?

19 MS. KING: Yes.

20 MR. PETTIWAY: They will be taking their
21 -- it's a special ed school, so they will be taking their
22 regular academic curriculum.

23 MS. KING: Oh, I see.

24 MR. PETTIWAY: In addition to the vocational
25 training.

26 MS. KING: Vocational training in addition to a

1 regular academic program.

2 MR. PETTIWAY: Yes.

3 MS. KING: Because there was this question of a
4 trade school that was giving me some concern, but I understand
5 now.

6 MR. PETTIWAY: No, it's not a trade school.

7 MS. KING: No, I understand.

8 MR. GILREATH: Special education now, are these
9 handicapped children? What's their status?

10 MR. PETTIWAY: This status. Well, in the
11 District of Columbia, their status is like Level 4, severely
12 emotionally disturbed. There are no physical handicaps.
13 These are psychological and emotional.

14 MR. GILREATH: I see.

15 MS. REID: Mr. Pettaway, also, when you
16 appeared last before us, there was an issue regarding the
17 posting of the building, and you have this time made sure that
18 that was taken care of. Correct?

19 MR. PETTIWAY: Yes. That was taken care of and
20 was submitted.

21 MS. REID: Okay. Thank you.

22 MS. KING: Proceed.

23 MR. QUARTERMAN: Primarily, what I want to do
24 is read from the --

25 MS. PRUITT: Excuse me. Please state your name
26 for the record.

1 MR. QUARTERMAN: Yes. My name is Joseph
2 Quarterman. I'm the --
3 MS. KING: And address.
4 MR. QUARTERMAN: My address?
5 MS. KING: Your home address.
6 MR. QUARTERMAN: 3927 South Dakota Avenue,
7 N.E., Washington, D.C. I'm here representing informally the
8 national architect, Mr. John Tronton. What I would
9 like to do is read the document that we prepared to address
10 the 206 section of the --
11 MS. KING: The document that we were just
12 given?
13 MR. QUARTERMAN: Yes. And then we can go to
14 the drawings as we go forward.
15 MR. GILREATH: Madam Chair, we've read the
16 material.
17 MS. KING: There's no opposition.
18 MR. GILREATH: The only concern I would have is
19 the sound factor across Todd Place. Is that residential
20 across the street?
21 MS. KING: Yes, it is.
22 MR. GILREATH: Houses are there.
23 MS. KING: Yes.
24 MR. GILREATH: If you can explain some of those
25 factors, that'll really all I need to listen to unless the
26 Board members want something.

1 MR. QUARTERMAN: We met with the ANC leadership
2 and we explained to them.

3 MS. REID: And did they submit a letter to you?
4 I didn't see one in the record.

5 MR. QUARTERMAN: We met with them two days ago.

6 MS. REID: Do any of the other Board members
7 have anything?

8 MS. KING: No, we have nothing in writing.

9 MS. REID: If, in fact, they have some
10 opposition, we would know about it. So if we don't hear from
11 them, we assume that they're all right with your application.

12 MR. QUARTERMAN: Yes. I was speaking with Mr.
13 James Perry downstairs before I came up. He couldn't wait any
14 longer, so he left and said he would be submitting a letter.

15 MS. REID: Who is James Perry?

16 MR. PLUMPE: James Perry, he's the ANC.

17 MS. REID: ANC Commissioner?

18 MR. PLUMPE: Yes.

19 MS. REID: Okay. He will be submitting a
20 letter?

21 MR. PLUMPE: Well, he said there was -- I also
22 met with him and he said that if you wanted to have a letter
23 of support, he would submit one.

24 MS. REID: And he was in agreement?

25 MR. PLUMPE: Yes. There were no objections.

26 MS. KING: But they asked for planting of

1 trees.

2 MR. PLUMPE: Yes.

3 MS. KING: Was there anything else they asked
4 for?

5 MR. PLUMPE: No.

6 MS. KING: Would you explain the site to us and
7 the noise factor and how the trees are going to screen the
8 noise.

9 MR. QUARTERMAN: Well, the trees won't be
10 screening any sound at all. The sound will be contained
11 within the building by the use of attenuating blanketing.
12 It's sort of like a batt insulation. You may have seen this.
13 There are special types that absorb more sound than others
14 and, of course, building the ceiling with it will also absorb
15 sounds. And we're speaking of sounds from small power tools
16 such as hand saws, circular saws, drills and that sort of
17 thing. So it's not like large industrial equipment, trucks
18 and that sort of thing that will be disturbing.

19 So we're speaking of a noise factor of about
20 100 to 120 decibels. That material is capable of solving 90
21 to 95 percent of it.

22 MS. REID: Are you going to install sound
23 proofing panels? Is that what you mean?

24 MR. QUARTERMAN: No. They won't be sound
25 proofing panels. They'll be pretty much basically gyp wall
26 but inside the wall you put what's called sound attenuation

1 blanketting.

2 MS. REID: Insulation?

3 MR. QUARTERMAN: Yes. It's --

4 MS. REID: Sound proofing insulation. That's

5 what it is?

6 MR. QUARTERMAN: Correct.

7 MS. REID: Oh, okay.

8 MR. GILREATH: Now, the building is going to be

9 metal.

10 MR. QUARTERMAN: It is a metal building.

11 MR. GILREATH: Are you going to have a certain

12 kind of paint or something so the light will not be reflective

13 or unduly noticeable? Is it going to be silver or is it going

14 to be kind of a dull color or what?

15 MR. QUARTERMAN: It will be the zinc, the

16 normal zinc gray that is natural to that type of building.

17 MR. GILREATH: How will that reflect sunlight?

18 Very strongly?

19 MR. QUARTERMAN: Well, the north side, you must

20 understand, this is north and the sun rises in the east, as

21 they say, and circles to the south and sets in winter. So you

22 won't have the problem of having sun hit this building and

23 glaring into any of these houses at all. So it's the north

24 side which will be in shade at all times.

25 MS. KING: Where are you installing the trees?

26 MR. QUARTERMAN: This is why we have two

1 charts. This is the lot itself and here's the building. The
2 trees are being installed right along that north face,
3 evergreen, pine trees.

4 MS. KING: To screen it for visual reasons. Is
5 that it?

6 MR. QUARTERMAN: Exactly. Now, you must also
7 understand that this building sets about 18', 15 to 18' above
8 the street level. So when you look up, you don't need very
9 high trees to screen what you see. If you were to -- I think
10 I have a picture from Todd Street. If you would look from
11 Todd Street at First Street which is this intersection here.
12 This is First Street and this is Todd. If you were to stand
13 right here and sort of look up, you would see the top of the
14 gray and the fencing here and I would say a 10' tree would
15 screen everything along here.

16 MS. KING: But not from the second and third
17 stories of the houses across the street.

18 MR. QUARTERMAN: Yes. They're above 15' second
19 story, which they're also down. If you look out the second
20 story window of these houses, you're pretty much level with
21 that grade.

22 MR. GILREATH: What's the color of the material
23 the school is made of? Is it brick?

24 MR. QUARTERMAN: Brick. Natural red brick.

25 MR. GILREATH: You've got a red brick school
26 and you've got kind of a silver colored prefabricated building

1 behind it. Right?

2 MR. QUARTERMAN: As well as cars. Now, you
3 have cars that park along here, so that sort of shiny --

4 MR. GILREATH: Is there any additional cost
5 involved? Is it practical to get that metal -- it comes in
6 different colors or it only comes in silver or whatever it is?
7 Zinc color.

8 MR. QUARTERMAN: Yes. Zinc is the natural gray
9 color of that.

10 MR. GILREATH: This doesn't come -- you
11 couldn't order some kind of duller gray or even a light brown
12 or something that would be more compatible with the color of
13 the school? If it's not practical but if you contacted the
14 contractor and they said yes, this comes in different colors.
15 Have you investigated that?

16 MR. QUARTERMAN: No, we have not. To our
17 understanding, the building was initially purchased as part of
18 some type of gift or whatever some time before we went into
19 designing. We're designing pretty much the interior of the
20 location, but the building is already -- did you want to
21 elaborate?

22 MR. PLUMPE: Yes. The -- when we -- well,
23 first of all, it was a -- we got the building through a grant
24 that was a gift and again, the only colors that we had was the
25 standard colors of the zinc like Joe was just describing. I
26 don't know if there are other colors that exist, but the ones

1 that we looked at were all the same. That was the industry
2 standard.

3 MS. PRUITT: But zinc will oxidize over time,
4 so it's not a shiny type silver. It's a very dull matte color
5 silver. Is that correct?

6 MR. PLUMPE: Yes.

7 MS. PRUITT: So it's a typical Butler building
8 with a sort of dull matte finish. So there's not a lot of
9 reflectivity.

10 MR. QUARTERMAN: There's no shine in it at all.

11 MS. PRUITT: So if you're concerned about
12 reflecting --

13 MR. GILREATH: Well, I think he's taken care of
14 that but if I lived over there and I looked out the north --
15 is that the north side? Yes. And the trees will screen some
16 of that. But further over to my right here looking at that,
17 if I looked up at it and I saw this corrugated metal facility
18 there, I mean it looks almost like a storage facility or
19 something. Here is a brick school. I was just wondering if
20 you had a color -- would it be possible to have them at least
21 investigate whether or not this came in a color that would be
22 more compatible to the school?

23 MS. PRUITT: But my understanding is this is an
24 existing building that is already there. I mean existing
25 structure that you're just going to move there. Is that
26 correct?

1 MR. QUARTERMAN: It's not there.

2 MS. PRUITT: But it's an existing structure

3 that you have.

4 MR. QUARTERMAN: Yes.

5 MR. GILREATH: Is it already assembled and does

6 someone bring it here or is it just in parts you'll eventually

7 bring over?

8 MR. QUARTERMAN: In parts that will be

9 assembled on site.

10 MS. PRUITT: They have two fabricated buildings

11 called Butler buildings that are components that you put

12 together and it's very difficult to interchange. Like you

13 couldn't add a facade to that component.

14 MR. GILREATH: I understand that. I was

15 thinking like this anodized metal. Sometimes you get

16 different colors. It may not be practical. Could we at least

17 ask them to see whether or not this prefabricated building

18 comes in other colors? Maybe other Board members aren't

19 concerned. To the degree that it would be feasible, if you

20 get a color a little more compatible with the school, I would

21 prefer that but I won't hold up the building if it can't be

22 done.

23 MS. KING: I don't feel strongly about it. I

24 mean it's not going to be a gorgeous building, but it is -- I

25 mean it's essentially a building in the middle of a parking

26 lot.

1 MR. GILREATH: Well, it's just the neighbors
2 nearby and their houses. If I lived there, I think I'd have a
3 concern of almost like a storage building stuck in the back.
4 MS. KING: Well, maybe we could have them
5 extend their evergreen planting.
6 MR. GILREATH: That might be a solution.
7 MS. KING: You know, another few feet so that
8 it more effectively screens.
9 MR. QUARTERMAN: Well, actually, from here on
10 is all overgrown trees such as what you have here.
11 MR. GILREATH: I wasn't aware of that.
12 MS. KING: And so are your evergreens that
13 you're going to plant going to carry on to the line to the
14 point where those overgrown trees start?
15 MR. QUARTERMAN: Let's take a look and see if
16 I've got a picture of exactly what it looks like there.
17 MS. KING: Whatever you give us will have to go
18 into the record, of course, unless it's a photograph.
19 MR. QUARTERMAN: There may be some photographs
20 already there.
21 MS. KING: Let's see them.
22 MR. PLUMPE: That's the north line, property
23 line.
24 MS. REID: Okay. These are different from the
25 ones we have.
26 MS. PRUITT: That's the north side on Todd

1 Street.

2 MR. QUARTERMAN: That's on Todd Street looking
3 from Todd Street. That's not on the lot itself, but you see
4 the edge of the lot. The fence.

5 MS. REID: This is the entrance.

6 MR. QUARTERMAN: In fact, you're looking at the
7 entrance. You're looking from here straight on down the
8 street.

9 MS. KING: Okay. So to allay Mr. Gilreath's
10 fear about disfiguring the view for the people across the
11 street, what you're going to do with your planting of
12 evergreens is to fill in the gap between the edge of the
13 school or the driveway or whatever.

14 MR. QUARTERMAN: Exactly. It's a very high
15 decline there -- incline. What we'll do is plant right along
16 this area here.

17 MS. KING: Okay. So you're going to fill in
18 that gap so that it will be screened.

19 MR. QUARTERMAN: Yes.

20 MS. KING: I don't think then therefore we have
21 to ask them to find another material.

22 MR. GILREATH: Okay.

23 MR. QUARTERMAN: This is pretty much the site.
24 This is the existing building and this is the side building
25 that I speak of in my letter. This is probably the only
26 building that it's actually facing and this view is that way,

1 so they're not really looking at the building itself. These
2 are the views you're concerned with. Todd Street, Summit,
3 First Street, Lancaster and T Street.

4 On this side of the street you have McKinley
5 High School, Langley High School, I believe, and there could
6 be some view out of the third floor onto the parking lot, but
7 this area along here is pretty well overgrown also with trees.
8 In fact, the entire lot is surrounded by deciduous trees.

9 MS. KING: Would you deal with the question of
10 the third point under 206, the parking question. Would you
11 just for the record tell us about parking.

12 MR. QUARTERMAN: This is the approach to the
13 site. This is the site itself. And right now there are some
14 markings on the unfinished paved area. This is what we had
15 proposed to upgrade once the area was blacktopped. There's a
16 requirement of 20 parking spaces to accommodate the facility
17 and there are more than 20. There's about 60 parking spaces.

18 MS. KING: Your written submission says 50.

19 MR. QUARTERMAN: More than 50, I believe.

20 MS. KING: It says more than 50. Yes. Okay.
21 The parking lot exists but is not paved. Is that what you're
22 saying?

23 MR. QUARTERMAN: Oh, yes, it's all paved. The
24 entire area is paved, but it's not striped.

25 MS. KING: Oh, not striped. Okay.

26 MR. QUARTERMAN: There are some stripes along

1 here. I believe Mr. Pettiway and his organization do intend
2 to upgrade that.

3 MS. KING: Is that true, Mr. Pettiway?

4 MR. PETTIWAY: Yes.

5 MS. KING: You're going to stripe the parking
6 lot to give you more spaces.

7 MR. PETTIWAY: Yes. As he said, we currently
8 have -- I don't know how many spaces we have, but when the
9 building is up, we're going to make more spaces on the other
10 side of the parking lot. We don't use the entire parking lot.

11 MR. QUARTERMAN: There's an existing shed and
12 storage building in this corner of the lot. That's going to
13 be torn down, so they'll pick up about eight spaces in this
14 corner. Right now, these areas are marked and there are a few
15 markings in here which, to my understanding, accommodates the
16 school.

17 MS. KING: In the lower right hand corner of
18 that plan, what is that building?

19 MR. PLUMPE: Catholic Charities for battered
20 women.

21 MS. KING: It's not part of your operation.

22 MR. PLUMPE: No. It's part of the St.
23 Martin's.

24 MS. KING: Okay.

25 MR. GILREATH: Will they be able to see this
26 metal building from their building? How is that building on

1 the back? Are there windows? On the back side of the
2 building looking toward this proposed facility, what kind of
3 activities occur in the school? Do you know off hand?

4 MR. QUARTERMAN: Yes. In this area here there
5 are playground type stuff for the kids. There's swings and
6 seesaws and that sort of thing in this area.

7 MR. PLUMPE: Is that Summit?

8 MS. REID: How old are the children?

9 MR. PLUMPE: At City Lights School?

10 MS. REID: Yes.

11 MR. PLUMPE: They are from 12 to 18.

12 MS. KING: Oh, you mean for the day care there
13 are seesaws. Not for City Lights.

14 MR. QUARTERMAN: That's right. Not for City
15 Lights.

16 MS. REID: Okay. There's no -- you're not
17 providing any play area, are you?

18 MS. KING: No, no. That's a separate
19 operation.

20 MS. REID: No, I understand. I'm clear on that
21 but my next question then was given the fact that the students
22 are 12 to 18, there's no play area.

23 MR. QUARTERMAN: We have on T Street side of
24 the facility, we have a black top that they have like a
25 basketball area.

26 MS. REID: Yes, that's what I was talking

1 about. I was speaking in terms of that kind of play area for
2 the older students, basketball court or athletic field or
3 whatever. Are you providing that kind of --

4 MR. QUARTERMAN: It's already there. The
5 basketball court.

6 MS. REID: And that's all. That's the only
7 play area.

8 MR. PETTIWAY: Well, we have the basketball
9 court and we also use the gym at St. Martin's Church for
10 physical education and we also use some of the -- you know, we
11 use McKinley football field that's close and we also use a
12 little bit of the Technocrat Charter School field and also
13 McKinley's track.

14 MS. REID: Okay. Technocrat Charter School
15 used to be Langley?

16 MR. PETTIWAY: Well, Langley, Marcus Garvey.

17 MS. REID: Okay. All right.

18 MR. GILREATH: You say that's a day care
19 facility in the lower right.

20 MR. PETTIWAY: It's not a day care facility.
21 It's a house for battered women with their children.

22 MR. GILREATH: Are they aware of this proposed
23 facility? Have they been consulted?

24 MR. PETTIWAY: Yes. Yes, because Father Kelly

25 --

26 MR. GILREATH: Have they voiced any concern?

1 It's all right with them?

2 MR. PETTIWAY: Yes, because we -- I mean you

3 know basically we kind of like share the facility and they're

4 pretty amenable towards us and receptive to the idea.

5 MS. REID: What is the name of that facility

6 for the battered women?

7 MR. PETTIWAY: Catholic -- I don't know.

8 MS. REID: Is it a residence or is it --

9 MR. PETTIWAY: Short term.

10 MS. REID: I see. Okay.

11 MR. PETTIWAY: Short term residence.

12 MS. PRUITT: Mr. Pettiway, all that property is

13 owned by St. Martin's?

14 MR. PETTIWAY: Yes.

15 MS. PRUITT: So basically you all are

16 subleasers to St. Martin's.

17 MR. PETTIWAY: Yes.

18 MS. KING: May I suggest if it is a battered

19 women's shelter it could be put on the record what the name of

20 it is.

21 MS. REID: Oh, okay. Sure. I just ask for

22 clarification but I understand that caveat.

23 MS. KING: Don't tell us. Don't tell us.

24 MS. REID: Ms. King acknowledges the fact that

25 typically those types of places remain anonymous more or less

26 to protect the women who are there. I didn't think about that

1 when I asked.

2 What about food? Are you going to be supplying
3 any lunches or how are they going to receive nourishment
4 during the day?

5 MR. PETTIWAY: The kids at City Lights?

6 MS. REID: Yes.

7 MR. PETTIWAY: We provide them with lunch.

8 MS. KING: We heard this case -- I mean this is
9 ancillary to the approval that we gave you earlier for City
10 Lights, is it not? I mean this is--

11 MS. REID: They didn't get approval. They
12 hadn't posted the property.

13 MR. PETTIWAY: We hadn't posted it.

14 MS. KING: No, but I mean didn't City Lights
15 have to get permission to go into this originally? Don't you
16 have a BZA order?

17 MR. PETTIWAY: To go into the building itself?

18 MS. KING: The school building.

19 MR. PETTIWAY: Yes, I think so. I wasn't there
20 then, but I think we did.

21 MS. KING: So I think that, if I'm not
22 mistaken, our order that allowed them to establish City Lights
23 in this location deals with the food service. They're not
24 going to be serving food in this new building.

25 MS. REID: Actually, we should have had that
26 copy of that order in this package so that we could look and

1 see exactly what the -- I don't think it's here -- what the
2 conditions were.

3 MR. PETTIWAY: Your comment was that they would
4 not be serving food?

5 MS. KING: They're not going to be serving food
6 in this building. In the building that you're asking
7 permission for.

8 MR. PETTIWAY: This building here? Oh, no, no,
9 no. No.

10 MS. KING: You serve the food in the main
11 building.

12 MR. PETTIWAY: Yes. Yes. But no, we don't
13 have any plans to serve food in that building.

14 MR. GILREATH: It's just like an additional
15 classroom.

16 MR. PETTIWAY: Yes, that's it.

17 MS. PRUITT: Actually, on the application it's
18 a vocational arts building.

19 MR. PETTIWAY: There won't be any foods served
20 in that building.

21 MS. REID: I have no further questions.

22 MS. KING: I don't either.

23 MS. REID: Okay.

24 MR. GILREATH: Are we ready for a motion?

25 MS. REID: One other thing I wanted to have in
26 the record is you have submitted for the record responses to

1 Section 206 of the regulation which you appear to comply with
2 but with regard to 206.2 which is in reference to adverse
3 impact, noise, traffic, and otherwise objectable conditions as
4 it relates to the surrounding community, you addressed that in
5 part but my question is have you had any complaints or any
6 opposition from anyone to your knowledge in regard to your
7 application?

8 MR. PETTIWAY: No one.

9 MS. REID: All right.

10 MS. KING: There are no government reports,
11 Madam Chair.

12 MS. REID: And no ANC report. However, in that
13 the ANC wants to submit, they said they would, a letter of
14 support, do we want to allow that to come in?

15 MS. KING: I don't think so.

16 MS. REID: We don't need it. Okay. And
17 there's no one here in opposition or in support, so we go now
18 to closing remarks by the applicant, if you have any closing
19 remarks.

20 MS. KING: Just say please.

21 MR. PETTIWAY: Please.

22 MS. KING: Madam Chair, I move that we approve
23 this application.

24 MS. REID: I will second it.

25 MR. GILREATH: Provided that --

26 MS. REID: With conditions.

1 MS. KING: With two conditions. One, that they
2 provide -- that where existing trees do not screen the
3 building from sight of the people across Todd Street, that
4 they will infill with evergreen plants of 10 feet. Is that
5 what you said?

6 MR. QUARTERMAN: Minimum.

7 MS. KING: A minimum of 10 feet in height when
8 installed and keep them in healthy and growing condition. And
9 that once the work is completed, that they will paint stripes
10 on the parking lot to indicate where the parking spaces are.

11 MR. QUARTERMAN: Ten foot trees are very
12 expensive to plant trees that tall. I would ask for maybe a
13 change to maybe five feet and within a year or two they'll
14 grow.

15 MS. KING: What kind of trees are you going to
16 put in?

17 MR. QUARTERMAN: Evergreens. They're very
18 expensive. Ponderosas or something like that.

19 MS. KING: All right. A minimum of five feet
20 when installed and kept in healthy growing conditions so that
21 they can reach 10 feet.

22 MR. GILREATH: This is not part of the
23 requirements but I would like to encourage you to at least
24 check in to see whether or not these prefabricated buildings
25 come in colors. If they don't, then fine. But if they were
26 to come in a more compatible color without additional cost, I

1 would suggest perhaps you consider that.

2 MR. PETTIWAY: Certainly we'll do that.

3 MS. REID: All in favor.

4 (Ayes)

5 MS. REID: Opposed.

6 MR. HART: Staff will record the vote as three

7 to zero to grant. Ms. King, Ms. Reid and Mr. Gilreath. This

8 will be a summary order.

9 MR. PETTIWAY: Thank you very much.,

10 MS. REID: Thank you.

11 Then this concludes our hearing for this

12 morning. We'll convene at 1:00 this afternoon.

13 (Whereupon, off the record at 12:16 p.m. to

14 reconvene at 1:00 p.m.)

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1 A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

2 (1:11 p.m.)

3 MS. REID: Good afternoon. The hearing will
4 please come to order. This is the May 5th public hearing of
5 the Board of Zoning Adjustment, District of Columbia.

6 My name is Sheila Cross Reid, Chairperson.
7 Joining me today are Betty King and Jerry Gilreath
8 representing the National Capital Planning Commission.
9 Representing the Zoning Commission is Mr. Hood.

10 Copies of today's hearing agenda are available
11 to you. They are located to my left near the door.

12 All persons planning to testify, either in
13 favor or in opposition, are to fill out two witness cards.
14 These cards are located on each end of the table in front of
15 us. When coming forward to speak to the Board, please give
16 both cards to the reporter who's sitting to my right.

17 The order of procedure for special exception
18 variance cases will proceed as follows. 1) statement and
19 witnesses of the applicant, 2) government reports including
20 Office of Planning, Department of Public Works, ANC, etcetera,
21 persons or parties in support, persons or parties in
22 opposition and then closing remarks by the applicant.

23 Cross examination of witnesses is permitted
24 for persons or parties with direct interest in the case.

25 The record will be closed at the conclusion of
26 each case except for any material specifically requested. The

1 Board and the staff will specify at the end of the hearing
2 exactly what is expected.

3 The decision of the Board in these contested
4 cases must be based exclusively on the public record. To
5 avoid any appearance to the contrary, the Board requests that
6 persons present not engage the members of the Board in
7 conversation.

8 The Board will make every effort to conclude
9 the public hearing as near as possible to 6:00 p.m. If the
10 afternoon cases are not completed at 6:00 p.m., the Board will
11 assess whether it can complete the pending case or cases
12 remaining on the agenda.

13 At this time, the Board will consider any
14 preliminary matters. Preliminary matters are those which
15 relate to whether a case will or should be heard today such as
16 requests for postponement, continuance or withdrawal or
17 whether proper and adequate notice of the hearing has been
18 given.

19 If you are not prepared to go forward with the
20 case today or if you believe that the Board should not
21 proceed, now is the time to raise such a matter. Are there
22 any preliminary matters?

23 MS. PRUITT: Madam Chair, staff has some
24 preliminary matters.

25 MS. REID: Okay then, staff, please give us
26 your preliminary matters.

1 MS. PRUITT: We have two requests for
2 postponement. The first case is 16417 which is the first case
3 on our agenda. They're requesting a postponement.

4 MS. REID: Are the applicants here? Is anyone
5 involved with that particular case? Come forward, please.

6 MS. PRUITT: We apologize. Our sound system is
7 not working, so if you could just please speak loudly so
8 everybody can hear, particularly the reporter.

9 MR. NEALE: Richard Neale. We're not prepared
10 to go forward with that case this morning, as indicated by our
11 letter, and we ask for an indefinite postponement.

12 MS. REID: Indefinite?

13 MR. NEALE: indefinite postponement.

14 MS. REID: Can you just indicate for the record
15 the reason why you're requesting such a postponement.

16 MR. NEALE: Unreadiness on the part of the
17 applicant, wanting to prepare a case that has a better chance
18 of succeeding before the Board.

19 MS. PRUITT: Madam Chair, if you remember, this
20 is a case that came before the Board originally, has been
21 before the Board and was rather confusing on the type of
22 relief that they were requiring self certification and they're
23 trying to clarify exactly what type of zoning relief is
24 required and needed before coming back here so that they can
25 efficiently use the time.

26 MS. REID: All right. I have no problem with

1 that. Board members?

2 MS. KING: No.

3 MS. PRUITT: So we will wait to hear from the

4 applicant before we reschedule this.

5 MR. NEALE: Thank you.

6 MS. REID: Okay. By consensus, we will grant

7 the postponement.

8 MR. NEALE: Thank you very much.

9 MS. REID: Thank you.

10 MS. PRUITT: The next case that's requesting a

11 postponement is case 16455. Is the applicant here for that?

12 Mr. Brown's the representative. You should have a letter in

13 your package in reference to the request.

14 MS. KING: Mr. Glasgow -- oh no, that's the

15 other one. The attorney, Mr. Brown, is he here?

16 MS. PRUITT: Actually, he's requesting it

17 because he was unable to post the property.

18 MS. KING: Oh, we couldn't hear it in that

19 case.

20 MS. PRUITT: Right. So it needs to be

21 rescheduled and postponed to a new date.

22 MS. REID: Do we want to do that now?

23 MS. PRUITT: Yes. Unless we add this on to an

24 existing agenda, which are all full at this point, the first

25 available date would be July 21st.

26 MR. GILREATH: It's hard to say with certainty,

1 but this may not be a very typical project. Our schedule is
2 so tight --

3 MS. PRUITT: I think right now we're hearing at
4 least eight or nine cases each day, so we don't have a light
5 schedule unfortunately.

6 MR. GILREATH: Okay.

7 MS. REID: All right. By consensus again,
8 we'll grant postponement and continuance.

9 MS. PRUITT: This will be the only notice that
10 this case has been postponed to July 21st. It will be the
11 fourth case on the agenda in morning session.

12 MS. KING: Might I suggest, Madam Director,
13 that you let anyone who's a party to it know so that we don't
14 schedule them again and they don't show up. You don't have to
15 publish -- you know--

16 MS. PRUITT: That's why we usually announce it
17 at the public hearing here.

18 MS. KING: Yes, but there's nobody who's a
19 party at the public hearing. That's why I'm suggesting that
20 it would be useful and not wasting our time to make sure they
21 know.

22 MS. PRUITT: We'll do what we have in the
23 record. The parties haven't been declared yet. So the only
24 one we could call would be the applicant, ANC.

25 MS. KING: Okay. Would you do that, please?

26 MS. PRUITT: Yes. That concludes staff's

1 preliminary issues.

2 MS. REID: Okay. Mr. Hart, would you call the
3 first case, please.

4 MR. HART: The first case, Application 16457,
5 Application of Kass MA, L.L.C., pursuant to 11 DCMR 3108.1 for
6 special exceptions under Subsections 410 and 2516 to allow the
7 construction of 33 new single family detached dwellings with
8 garages in a theoretical lot subdivision and 176 luxury garden
9 apartments in the R-5-A and R-5-B districts at premises
10 bounded by Good Hope Road, S.E. between 24th Street, S.E. to
11 the east and 18th Street, S.E. to the west (Square 5735,
12 Parcels 211/96, 220/31 and Lot 804 and Square 5763, Parcels
13 219/38).

14 Will those persons planning to testify, please
15 stand and raise your right hand for the oath.

16 (Whereupon, the witnesses were sworn.)

17 MS. REID: Before you begin, let me get an idea
18 as to those persons who are requesting party status in this
19 case. I received a letter from a Reverend Oliver Johnson. Is
20 he here? Requesting party status. Can you all hear me? We
21 apologized earlier for the fact that our recording system is
22 not working, so we just have to speak loud and amplify our
23 voices and hopefully you can hear me in the back of the room.
24 Can you? Okay.

25 MS. KING: If you can't, move forward. There's
26 lots of room.

1 MS. JONES: Did you ask for party status?

2 MS. REID: Yes, I did.

3 MS. JONES: I have party status.

4 MS. REID: All right. Come forward, please,

5 ma'am.

6 Don't touch the microphone. Those of you who

7 are in the back, you might want to fill in these chairs up

8 here so that you can hear and then we don't have to yell so

9 much.

10 MS. KING: We just need your name, your home

11 address, and information about why you are seeking -- on what

12 basis you are seeking party status.

13 MS. JONES: Why I'm seeking party status?

14 MS. KING: Your name and home address.

15 MS. JONES: Oh. My name is Thelma E. Jones. I

16 live at 2217 T Place S.E., Washington, D.C.

17 The reason I'm seeking party status is because

18 I'm going to testify. I'm the president of the Fairlawn

19 Citizens Association and I'm testifying on behalf of the

20 community and that's the reason I'm seeking party status

21 because I have some in depth questions about the development.

22 MS. KING: I suggest that she be granted party

23 status.

24 MS. PRUITT: Madam Chair, I would suggest also

25 that you ask her to explain how she is either more affected or

26 aggrieved than the regular community, the surrounding

1 community.

2 MS. REID: Okay. Answer that question, please.

3 MS. JONES: What was the question?

4 MS. PRUITT: How, ma'am, are you or your
5 association more affected or aggrieved than, say, the average
6 person who lives in that area or in that community?

7 MS. JONES: How is my association the most
8 affected?

9 MS. PRUITT: Yes. More so. In order to get
10 party status, you need to identify how you're affected more
11 than other people.

12 MS. JONES: Okay. Because the Fairlawn
13 Citizens Association has been incorporated since 1975. It
14 originated in 1960 as a block club and we have had party
15 status in other hearings and so we service the community and
16 we are -- we interchange with the District government and
17 which we get work done, calling the departments, different
18 departments in the D.C. government and we work closely with
19 the PSA 609. We attend all those meetings.

20 We also attend -- we have board members on the
21 Anacostia economic development and anything that goes on in
22 the southeast community, it's someone from the Fairlawn
23 Citizens Association that's always involved in what goes on in
24 the Fairlawn community.

25 MS. PRUITT: I just want to state for the
26 record though, ma'am, because you were granted party status in

1 a previous case, it's done on a case by case basis.

2 MS. JONES: Yes, I understand that.

3 MS. PRUITT: So I just wanted to make that
4 clear.

5 MS. KING: I suggest that Ms. Jones be granted
6 party status. She's a leader in the community that surrounds
7 this development area, and I think it would be appropriate for
8 her to be able, as a party, to express the concerns of her
9 neighbors.

10 MR. HOOD: Madam Chair, I do suggest that we
11 give Ms. Jones party status because the people who are most
12 affected are involved in that citizens association.

13 MS. REID: Okay. I need to get an
14 understanding, Ms. Jones. Are you requesting party status on
15 behalf of the Fairlawn Community Association?

16 MS. JONES: And myself who received a letter
17 from the BZA Board of Zoning Adjustment because of the 200
18 feet that is required for a letter coming to me and so I feel
19 that with that I am qualified to seek a party status.

20 MS. REID: But are you speaking on behalf of
21 and representing this organization?

22 MS. JONES: I'm speaking in a twofold capacity
23 here today.

24 MS. REID: Okay. In the capacity as the
25 representative of the organization then, we would like to see
26 some authorization from that body.

1 MS. JONES: You want me to show you my
2 membership card?

3 MS. REID: Delegating you as the spokesperson
4 for the organization or you then can be a spokesperson for
5 yourself but I don't know if we could accept your --

6 MS. PRUITT: We need a written authorization.

7 MS. KING: We have a letter from Ms. Jones who
8 signs herself as the president of the Fairlawn Citizens
9 Association. Rather than wasting further time, let's just
10 empower her as a party on her own behalf and, in that
11 capacity, she can ask any questions that she wants. She lives
12 within 200 feet. She is a community leader.

13 MS. REID: All right. Understand that without
14 the letter of authorization from the Fairlawn Association
15 delegating you as their representative, you would have to
16 testify here as an individual, an individual with party status
17 because of the fact that you are in such close proximity and
18 also your concerns are addressed through your party status
19 position.

20 MS. JONES: And the letter was introduced at
21 our meeting and was voted on that I represent the community in
22 a party status and that letter was submitted to -- on April
23 26th, that letter was submitted to you all. Also, it should
24 be a letter on record that I wrote to Ms. Pruitt-Williams
25 requesting party status. The letter which was dated April
26 10th.

1 MS. REID: Okay. You basically want party
2 status so that you can cross examine and so that you can
3 receive any communication involving this case. Correct?

4 MS. JONES: Right.

5 MS. REID: Then yes. Then we will give you
6 party status.

7 Is there any representative from the ANC here?

8 This letter dated May 3rd from Reverend Oliver
9 Johnson requesting appearance as a party in this case comes on
10 ANC 6B letterhead, but we don't have a representative from ANC
11 6B or Reverend Johnson here today, so we'll just move on.

12 Thank you very much, Ms. Jones.

13 We can move now to the applicant. How long,
14 Mr. Feola, do you anticipate your case will take to put on?

15 MR. FEOLA: For the record, Phil Feola with
16 Wilkes-Artis. I think we'll take about 45 minutes to get
17 through it.

18 MS. REID: Okay. How many people are here in
19 opposition to the case? May I see a show of hands. All
20 right. How many people are here in support of the case?
21 Okay. And we have one person who has party status. So for
22 the sake of time, we want to impose a time limit for your
23 testimony which is typically three minutes for persons
24 testifying as individuals and for a party we will allow -- how
25 much time for a party?

26 MS. KING: Ms. Jones, when you put on your

1 rebuttal or your case, how much time do you think you're going
2 to need to make your statement? Five minutes, 10 minutes?

3 MS. JONES: Can I hand you all a copy of it so
4 that you -- it's not very long.

5 MS. KING: At the appropriate time.

6 MS. REID: Can you do it in five minutes?

7 MS. JONES: I imagine so. Maybe five or six
8 minutes.

9 MS. REID: Okay. That's fine.

10 MS. JONES: And I also want to approach the map
11 when I finish my testimony.

12 MS. REID: Sure. You may do that.

13 MS. KING: You can return to your seat now,
14 however, while the applicants put on their case.

15 MS. REID: Thank you.

16 MR. FEOLA: Thank you, Madam Chairperson.

17 For the record, my name is Phil Feola with the
18 law firm Wilkes, Artis, Hedrick and Lane. With me is Richard
19 Nero, urban planner of our firm.

20 We're here today on behalf of the applicant
21 seeking approval of a mixed use residential development with
22 two major components: a garden apartment component and a
23 single family detached housing component.

24 Both components, I think it's important to
25 note, are matter of right uses in the respective zones on
26 these properties. As Mr. Hart indicated, the zones of the

1 property R-5-B and R-5-A. And both components meet all the
2 requirements and restrictions of the underlying zone, R-5-B
3 and R-5-A of the site. In fact, the project with 176 garden
4 apartments and 37 single family detached houses totaling 213
5 dwelling units is well below the density allowed on this site
6 on the underlying zoning. Roughly 800 plus units could be
7 built in a combination of these properties. So we're at 25
8 percent the capacity.

9 The application before you seeks no variances
10 or other deviations from the zoning regulation. We're here
11 seeking as two special exceptions that are required by the
12 zoning regulations for this type of development in the R-5
13 zones. As you know, the R-5 zones for theoretical
14 subdivisions require site plan review by this board and
15 Section 410 of the zoning regulations require site plan review
16 for anything but single family detached in the R-5-A
17 districts.

18 Both of the site plan review processes were put
19 in place by the Zoning Commission, essentially site plan
20 review, and were designed by the Zoning Commission to insure
21 high quality, responsible development in the District of
22 Columbia. We think that's what this project brings to this
23 Board and to this community. We think we achieve all those
24 goals. We'll have a high quality housing development in
25 southeast, a project that will encourage residents to stay in
26 the District of Columbia where they might otherwise look to

1 improve their housing stock outside the boundaries of District
2 of Columbia.

3 The project is consistent with the
4 comprehensive plan, with the land use map calling for moderate
5 density residential development and it meets the letter of
6 Sections 2516 and 410 of the zoning regulations.

7 We intend to call four direct witnesses. We
8 have a bevy of other consultants here to answer specific
9 questions or the Board or the community are so inclined. We
10 have two experts that I would ask the Board to recognize as
11 experts in their respective fields. Mr. Joseph Plumpe, who's
12 a principal with Studio 39, landscape architect and site
13 planner, and Mr. Osborne George, traffic engineer and
14 transportation planner. Their résumés are included in the
15 applicant's pre-hearing submission, Tab H, and we can look at
16 those if you like and see if we can have--

17 MS. KING: I've looked at them, Madam Chair.
18 It seems to me that Mr. George, of course, has been here many
19 times but the other gentleman I think also should be accepted.

20 MS. REID: I also read the résumés and I have
21 no problem with them being accepted as expert witnesses.

22 MR. GILREATH: I concur.

23 MS. REID: No problem.

24 MR. FEOLA: Thank you, Madam Chairperson. We
25 have a slide presentation that sort of flows and maybe in the
26 interest of time to compress our presentation, if the Board is

1 inclined, we can run through our presentation right from top
2 to bottom and all four of our witnesses and maybe do it in 30
3 minutes and then hold it open for questions. I know it's a
4 little different than the Board usually does it, but it might
5 make a little more sense.

6 MS. REID: Mr. Feola, I have no problem with
7 that, and you can proceed in that manner and, if there is an
8 overwhelming need to stop you, then we will but basically I
9 see no problem with that.

10 MS. KING: I'm the only problem with that. You
11 know how I am. But go ahead. I'll try and restrain myself.

12 MR. GILREATH: We indicated that if indeed
13 something develops, but you may approach at this point.

14 MS. REID: If need be, we'll stop you.

15 MR. FEOLA: Thank you, Madam Chairperson.

16 As our first witness, I'd like to call Mr.
17 Richard Knapp who's senior vice president of KSI Services and
18 maybe we can dim the lights. No one is allowed to fall
19 asleep, on our side anyway.

20 MR. KNAPP: Thank you very much. My name is
21 Richard Knapp. I reside at 2731 Woodley Place, N.W.,
22 Washington, D.C.

23 We're very pleased to be here. My company is
24 KSI. I'm one of three principals there. I'm going to be
25 presenting some background about who our company is and the
26 kind of development we'll be involved in. The company started

1 as Kettler and Scott in 1977. The company is locally based at
2 Tyson's Corner although myself and the other principals have
3 deep roots in Washington, either living here or having worked
4 here for many years.

5 We specialize in building high quality planned
6 communities. Virginia Run was one of our first communities
7 done in the early '80s in Centreville, Virginia. It was done
8 in conjunction with a property called Sully Station. These
9 are elaborately planned communities that include rec centers,
10 a hierarchy of different housing types, apartments, single
11 family homes and commercial centers as well.

12 A more recent development we did was the
13 Cascades out in eastern Loudon County, another planned
14 community involving a hierarchy of uses. We plan to take this
15 planned community background to Good Hope Road for the project
16 we'll be talking about today. This is a picture of Virginia
17 Run when it opened in 1984, an example of the kind of lotting
18 we do for single family homes in a planned community.

19 I want to just show you a couple other of our
20 relative projects. This is a project located in Pentagon City
21 next to the Pentagon where KSI is developing 325 high end
22 luxury rental apartment communities.

23 Our core area though involves lower density
24 garden apartments. This is a picture of a project called
25 Cascades Overlook which is very comparable to the apartment
26 community we're proposing for this development.

1 This is a project called Ashton out in
2 Manassas, Virginia which is financed with housing bonds, the
3 same kind of financing we propose for the subject property.
4 This is a picture of a club house and a swimming pool which is
5 very similar to what we're proposing. A typical interior. We
6 strive for high quality, upscale type of housing, the type of
7 housing that anybody would really feel comfortable living in.

8 We do a lot of rehabs as well. We've admired
9 what William C. Smith has done on the east side of the river.
10 Our rehabs tend to be in northern Virginia and suburban
11 Maryland, although we're very interested in taking our act
12 into Washington, D.C.

13 I have to emphasize that we own and manage all
14 of our properties. This is a picture of some of our
15 management executives. We have a very diverse, talented staff
16 that will be involved in managing the property. We're a
17 relatively young firm. We're in it for the long haul. Long
18 term ownership and property management is our core area.

19 I want to describe the extent of community
20 outreach efforts we did because this was very important to our
21 company. We went out to the community east of the river a
22 number of times and met with all the key stakeholders. We met
23 with the east of the river, CDC and AEDC, the two leading
24 nonprofits for the area. We had a major sit down with the
25 Frederick Douglas Community Improvement Council and, of
26 course, we met with the Fairlawn Civic Association who I see

1 have shown up in strong force here today. We've also met with
2 the Park Skyland Civic Association.

3 We met, of course, with ANC 8B and ANC 6C. We
4 were heavily involved with them to the extent that they
5 accommodated us in the process. They, of course, got all the
6 pre-hearing materials that were submitted to them. We
7 actually got a formal letter of non-opposition from ANC 8B and
8 we're in midstream in working with ANC 6 to get a similar
9 letter. We attended the mayor's meeting in Anacostia --

10 MS. KING: Excuse me. Could we have the letter
11 from 8B for the record.

12 MR. FEOLA: Thank you, Board Member King.

13 MS. KING: Excuse me for interrupting.

14 MR. KNAPP: That's quite okay.

15 We met with lead housing agencies such as the
16 D.C. Housing Finance Agency and the D.C. Housing and Community
17 Development Agency which are extremely supportive of the
18 project. The reason we meet with the community group is we
19 really want to learn. We really want to have our ears open as
20 to what is making the neighborhood tick.

21 We heard loud and clear, primarily from the
22 Fairlawn group, to include single family detached homes in our
23 development. For that reason, we took half of our acreage for
24 which we were going to develop a few hundred apartments and we
25 dedicated it to a single family apartment development.

26 I have with me my distinguished partner Gene

1 Edgecombe of Vertex who's going to talk about his program to
2 develop single family detached homes as a premier quality
3 developer of single family homes.

4 We heard loud and clear to use local
5 contractors. We're proud to say that we've already used a
6 series of local people that have done a great job for us
7 through the excavation stage. We have Anthony Bell here.
8 He's involved in the fitness center of Marbury. He's going to
9 be helping us with security and fitness program and activities
10 programming at our development.

11 We heard loud and clear to own and manage for
12 the long term. That's something we do as an ordinary course
13 of business, but that was emphasized over and over again,
14 especially by ANC 8. They want a long term property owner and
15 steward. Don't over use bus capacity on Good Hope Road.
16 That was the major lesson we learned from our Frederick
17 Douglas meeting and, for that reason, we dispatched O.R.
18 George to specifically examine the bus capacity along Good
19 Hope Road and he has a determination about that.

20 We were asked to take a broad view towards
21 revitalization, to focus not just within the boundaries of our
22 site but to look at other deteriorating buildings at our
23 fringes to see if we can work with owners of restoration. We
24 were asked by Sharon Ambrose, a council member of Ward 6, to
25 see if we can get something going on the retail front to spur
26 retail revitalization along Good Hope Road, which we're very

1 eager to do and we'll be working on.

2 Gene Edgecombe will talk about some ancillary
3 single family home developments that he's looking at in the
4 Fairlawn neighborhood.

5 Produce quality apartment homes. We heard that
6 over and over again, that there's a need for up scale quality
7 apartment homes east of the river, and that is something we
8 tried to strive to do. Our definition of a quality apartment
9 community would be a gated community. We thought that was
10 very important in terms of aesthetics and rent potential to
11 have that kind of feel. A pool, a fitness center, a club
12 house.

13 After school enrichment and computer training.
14 We like to include services such as enrichment programs and
15 training inside our club house facility. Children's play
16 area, modern, efficient floor plans, washers, dryers,
17 fireplaces, vaulted ceilings, free line for cable, fax, online
18 service. We plan to have a fine residential community that's
19 similar to the excellent residential communities one is
20 finding in areas of northern Virginia and Maryland which
21 institutional developers are bringing online.

22 We have a very strong market for rental
23 apartments. We've done an extensive market study which is
24 fully available. The market study determined that Marbury
25 Plaza, Skyland Park, Naylor, have comparable rents and are at
26 full occupancy, that there's a tight market, no new supply,

1 combined with the removal of older units. So we have classic
2 situation of pent up demand east of the river. People
3 currently leaving Anacostia in search of better housing. It's
4 a shame but there's people who want to stay in Anacostia or
5 come into Anacostia from P.G. County but can't find the
6 quality housing they're looking for, whether it's single
7 family homes or apartment homes.

8 Good Hope Marketplace Shopping Center is an
9 important anchor. This is critical. We've been to the
10 Safeway a number of times. It's a wonderful facility. It's
11 one reason why we picked Good Hope Road because of that
12 anchor, but it's reciprocal. We will be providing the
13 rooftops that will help support that anchor retail user.

14 Financial ability to proceed. Financing is
15 always the key to these deals. Equity will come from Sun
16 America. That's a \$10 million west coast insurance company
17 that we've done numerous developments with. Debt will come
18 from housing bonds. We've previously used these sources to
19 produce over 500,000 units of rental housing, and this has
20 been high quality rental housing comparable to what we're
21 proposing.

22 Time table is construction start and closing
23 September of this year. First occupancy, middle of next year.
24 Complete for lease-up by the end of the year. That's what we
25 plan to do.

26 I'd like to turn it over to Gene Edgecombe of

1 Vertex Homes who will be talking about the single family home
2 component of the development.

3 MR. EDGECOMBE: Thanks, Dick.

4 Madam Chairman, members of the Board, I'm Gene
5 Edgecombe. I'm a developer and I'm also a registered D.C.
6 architect. I'm here representing Vertex or for this project
7 Vertex Management Systems. I'm here also with my business
8 partner of eight years or more, Andy Botticello, who will not
9 testify today, of IDS. So VMS/IDS will be the development
10 entity for the single family homes.

11 MS. PRUITT: Excuse me. Would you give your
12 home address for the record.

13 MR. EDGECOMBE: I'm sorry. My home address is
14 3903 Charles Avenue, Alexandria, Virginia.

15 The project you are looking at is our most
16 recent successful project. It's here in northeast Washington,
17 D.C. It's called Woodridge Place. That project, you're
18 looking at phase one of the project where we have completely
19 sold out. We've got four building types, and they range in
20 size from 1,700 to over 2,200 square feet. Currently sell for
21 \$165,000 to just about \$200,000.

22 The brick front that you see are standard.
23 They're not optional. We would do the same thing for the
24 products that we would develop on our Good Hope Road site.

25 You're looking at the construction for the
26 Woodridge phase two. The final 17 homes. We've started

1 construction. We've completely sold out and, in fact, we're
2 taking backup contracts now, all to say that we're extremely
3 pleased with the marketplace. One thing we have found, the
4 District is very, very interested in being able to provide
5 alternatives within the city, particularly for the middle
6 income home buyer. We fill that niche. Most of what Andy and
7 I have done over the last 10 years or more have primarily been
8 in the urban areas, both in Washington and in the Baltimore
9 area.

10 These are the same products that we would
11 develop on our Good Hope Road site. We're talking about 37
12 new homes with single family lots ranging in size. Lot size
13 ranging from roughly 5,500 to a little over 7,500 square feet,
14 dependent upon the particular lot.

15 Dick has already given you an idea of the
16 overall context. We would propose to start construction
17 simultaneous with the rental housing. We're going through a
18 process right now of subdivision planning. That's another
19 example of one of our more popular models. That home there is
20 about 1,900 square feet and is one of our best sellers.
21 Again, this is just an idea of what a cluster of our homes
22 would look like.

23 I show this because I think it's kind of
24 interesting. It shows our involvement in the community. Some
25 years ago when we first took on this project, we approached
26 the District government. What you're looking at is one of the

1 buildings under construction, complete gut renovation of the
2 old Montana Terrace public housing. It's unfortunate that I
3 don't have the slide of the buildings in the condition that
4 they were, but for those of you who are familiar with Montana
5 Terrace, they were in pretty bad shape.

6 What we approached the District on was that we
7 were prepared to do market rate housing if in fact the
8 District would allow us to essentially take over the public
9 housing, to renovate the public housing, to create part of it
10 for home ownership and the other part of it for rental housing
11 with a major change including other programs, down payment
12 assistance and so forth. All that over the years has taken
13 place and what you're looking at now are the final products
14 and I defy you to tell the difference between the market rate
15 housing and the calibre of the aesthetics of this low income
16 rental housing and home ownership housing. We're very, very
17 proud of it.

18 Our role with regard to this part of the
19 project is as development managers, and it's an ongoing role.

20 One thing I might add. If I had a pointer here
21 -- here it is. This is the site where we're proposing to do
22 the single family 37 houses. This is not part of our real
23 presentation today, but the site up here at 22nd and T, we're
24 finalizing the deal right now, a land deal, where we're
25 proposing to add 22 more single family homes and it will be
26 the same design that we're proposing here. As a matter of

1 fact, we're prepared to start immediately right in that area
2 to develop our two models and effectively link the two sites
3 together for a single family development.

4 Like I said, we're right at the point of
5 finalizing that deal and we'd be prepared to start
6 construction at the same time.

7 MR. FEOLA: Our third witness, Madam Chair, is
8 Joseph Plumpe, landscape architect and site planner, and he'll
9 walk you through the plans.

10 MS. KING: Could I just ask a question. On the
11 curious shaped thing, the hatchet shaped thing on the left is
12 where the townhouses are going to be, the single family homes
13 are going to be.

14 MR. FEOLA: Detached houses. Yes, ma'am.

15 MS. KING: And then the other, the gray area
16 over here, is that where the apartment buildings are going to
17 be?

18 MR. FEOLA: Yes, ma'am. Mr. Plumpe will get
19 into that in specifics.

20 MS. KING: Okay. Thank you.

21 MR. PLUMPE: For the record, my name is Joseph
22 Plumpe, Studio 39, landscape architecture. My home address is
23 9366 McArthur Wood, Burke, Virginia. The office is located in
24 Alexandria, Virginia.

25 This is -- to the north of the property here
26 which is other single family homes.

1 MS. KING: Could you speak up.

2 MR. PLUMPE: Is that good? Sorry.

3 The combined site area is approximately 15.8
4 acres, both sites combined, both the single family parcel
5 which is approximately 7.6 acres and the multi-family housing
6 parcel to the east there is 8.1 acres. Combined in the middle
7 area, that is a natural area which will stay natural which is
8 owned by the National Park Service.

9 Generally, the single family housing parcel is
10 both an R-5-A and an R-5-B zone and then the multi-family
11 housing parcel is the R-5-A as well.

12 As you go along Good Hope Road, it's a well
13 established neighborhood with large street trees, elms,
14 maples, and our site happens to be just to the right of the
15 tree right there where Dick is pointing. That is pretty much
16 where the start of the single family housing parcel would be.
17 Again, tree lined. That's what type of effect we're trying to
18 achieve once you're into the property over time.

19 Adjacent to the property to the east of the
20 property, which is called Skyline, is an existing multi-family
21 housing complex right now, somewhat gated and also there's
22 ornamental iron work that leads one into the individual units
23 themselves and as well you can see there's a nice tree lined
24 type effect. We're trying to duplicate that, as well, through
25 the multi-family housing parcel.

26 This is our site right behind the Skyline

1 project itself. Again, you see the fencing there which is in
2 existence. We'd like to duplicate that also or something
3 similar to that along Good Hope Road as well as on the
4 perimeter road property.

5 MS. KING: This is existing housing site or ---

6 MR. PLUMPE: No, no, no. This is the multi-
7 family housing part. We're going to talk multi-family housing
8 site first, then later a presentation on single family
9 housing.

10 What's in the background of the trees is the
11 Park Service property. So our site right now is basically a
12 denuded landfill site with scrub growth on it right now.

13 You can see another picture of that. It's
14 really sloped down to the National Park Service property and
15 those are views of existing multi-family housing projects in
16 the distance across Good Hope Road.

17 The site plan itself, starting from the left
18 which is the west part of the property, the single family
19 component which we'll discuss later in the presentation, with
20 the National Park Service piece in the middle, again with the
21 multi-family housing piece to the right or to the east of the
22 property.

23 The multi-family housing parcel goes from Good
24 Hope Road to the top of the screen which is the north part of
25 the site into a gated type community which will be shown on
26 this slide here which shows the gated entrance way. Car read

1 security type atmosphere so that visitors can park up against
2 the club house area. The club house itself is to serve the
3 pool, the kiddie pool, the pool area itself, and also the tot
4 lot area proposed in that general vicinity.

5 Typical things that are around the village
6 itself is the landscaping. Landscaping is very important in
7 communities of this magnitude. The landscape is to help
8 soften the buildings as well as to provide good transition
9 from the street to the buildings themselves.

10 The light fixtures will be a continuous feature
11 through both parcels of the property itself using the acorn
12 fixture very similar to what you see on Pennsylvania Avenue.

13 The overall site plan. I failed to mention
14 with the multi-family housing piece. Architecturally, we are
15 very concerned with the heights of the buildings themselves.
16 On the perimeter points of the buildings on the north where
17 Dick is pointing and one on the south part of the property,
18 there are three story components to this building and then
19 there's another three story component up against Skyline
20 properties. The rest is all four story components.

21 The single family housing component -- as many
22 positive views into natural open space as well as to
23 channelize the people to a nice treescape component starting
24 from Good Hope Road and leading through the property
25 traversing through and going to 18th Street.

26 The Park Service property is right below. As

1 you can see, those are what Gene went through before earlier.

2 Another little blow up that shows what could
3 happen off of Good Hope Road. Comes off into the housing
4 complex. What's interesting is it is not just the lots that
5 are different but the housing types, too. The lots themselves
6 range from a width of approximately 55 feet to 75 feet in
7 width. So it gives you a variety there so it's not all the
8 same house after one another. That's the unique thing about
9 it.

10 Within the communities themselves, there are --
11 at the top of the screen which are connected to posts made out
12 of stone or something similar to that which will connect both
13 the multi-family and single family components. Then with the
14 different types of lot equipment which could happen in the
15 multi-family and the single family parcels.

16 Again, the multi-family housing type component
17 showing the layout. Also notice that we're trying to treat
18 the open space behind the buildings themselves with additional
19 vegetation. Right now there's no vegetation there, so we're
20 trying to play up that so that we're trying to transition the
21 parts of this property which is heavily wooded onto our
22 property so it's a nice even blend to the community.

23 Also, the streetscape plantings and the tree
24 islands themselves through the parking lot area and also the
25 courtyards in between the two buildings there to the right.

26 Architecturally, this is something that could

1 happen, I mean with brick on it itself, brick to match or to
2 be very similar to the ones on the single family housing part
3 of the property.

4 That's it for me for the slides themselves.

5 MR. FEOLA: I guess we can have the lights now.

6 Mr. Plumpe, are you familiar with Section 2516
7 of the zoning regulations?

8 MR. PLUMPE: Yes, I am.

9 MR. FEOLA: And are you familiar with Section
10 410 of the zoning regulations?

11 MR. PLUMPE: Yes, I am.

12 MR. FEOLA: Does any provision of this
13 development violate any of the requirements or restrictions of
14 either of those sections?

15 MR. PLUMPE: No. No, sir.

16 MR. FEOLA: Maybe you could tell the Board a
17 little bit about the density of the project, the FAR versus
18 the permitted FAR, the lot occupancy versus permitted.

19 MR. PLUMPE: That's not a problem. Starting
20 with the multi-family itself, there's 176 units of low rise
21 apartments ranging from three to four stories in height. The
22 FAR generates .64 FAR with a combined lot occupancy of 20
23 percent of the property, well below which is a .9 FAR and a 40
24 percent lot occupancy meaning almost half of what it could be.

25 The single family homes, there's 37 single
26 family homes with a combined lot occupancy of 15 percent

1 versus the 40 percent permitted on the property itself. So
2 again, we are below as well as with the FAR which we are one
3 third of what it could be. The FAR on the single family lots
4 is .3 versus the .9 which is permitted on the property itself
5 in the single family.

6 MR. FEOLA: Thank you very much.

7 And our last witness is Mr. Osborne George, if
8 it pleases the Board. Mr. George, would you state your name
9 and address for the record, please.

10 MR. GEORGE: Yes. My name is Osborne George.
11 My address is 6036 Westchester Park Drive in College Park,
12 Maryland.

13 MR. FEOLA: Could you describe to the Board
14 your role in this project and any findings of any report you
15 may have done.

16 MR. GEORGE: Yes, sir. I've been retained by
17 the applicant to undertake a traffic parking assessment of the
18 land use proposal that's the subject of this application and
19 to determine whether it complies with the relevant sections of
20 the zoning regulations.

21 MR. FEOLA: Would you kindly describe to the
22 Board briefly the analysis.

23 MR. GEORGE: Yes, sir.

24 MR. FEOLA: In summary.

25 MR. GEORGE: Yes, sir. The analysis undertaken
26 in accordance with the guidelines and established procedures

1 of the Department of Public Works. The report is indicated at
2 Tab D of the applicant's submission and I stand by that report
3 today.

4 In summary, we began the process by engaging in
5 discussions with the staff of the Office of Intermodal
6 Planning regarding the study area roadway network and other
7 issues which would be of concern to the department. Using the
8 exhibit which is before you, Madam Chairperson, the site is
9 located, as has been indicated earlier, south of Good Hope
10 Road and the study area defined and agreed upon with the staff
11 is indicated in that little bubble here. Essentially it
12 included five intersections along Good Hope Road extending
13 from 25th Street in the east to the intersection with
14 Minnesota Avenue to the west.

15 Our study found that the intersections
16 currently operate at acceptable levels of service. We also
17 found that this roadway which is classified as a minor
18 arterial based on the city's functional roadway classification
19 serves a considerable amount of through traffic or commuter
20 traffic, perhaps more than the designated function would
21 justify.

22 As far as the future traffic situation, we
23 found that assuming build out of the development by the year
24 2001, the road network would continue to operate at acceptable
25 levels of service with the exception of two intersections
26 during the morning peak hour only. And I add that one of

1 these would be subject to very limited traffic use based on
2 the trip distribution pattern of the site and again, the
3 situation is as it exists today. In other words, today that
4 intersection currently operates at an unacceptable level of
5 service during one peak hour only.

6 The exhibit before you shows some of the more
7 sub-area and perhaps regional roadways serving the area of the
8 site. This is Pennsylvania Avenue which runs from the
9 District line here and this is the bridge over the Anacostia
10 River. The two roadway segments that are indicated in red
11 were so indicated because of concerns that had been raised by
12 the community regarding the heavy volumes of through traffic
13 and so the applicant commissioned us to try to determine why
14 and was that really the case.

15 What we did was undertake travel time observing
16 along this section of Pennsylvania Avenue and also observed
17 traffic flow along Branch Avenue which, as you know, is the
18 extension of Maryland Route 5 into the Prince George's County
19 suburbs. There's severe delay along both of these segments
20 and, as a result, we think that considerable percentages of
21 through traffic along this road is caused by traffic seeking
22 to find alternative routes to save time to access the downtown
23 area.

24 As you are aware, Madam Chairperson, the city
25 is undergoing a number of studies associated with what is
26 termed the Barney Circle Project which should enhance access

1 into the Capital Hill and southwest area and, as such, this
2 situation is likely to be relieved considerably in the future.
3 However, as far as our traffic projections, we assume that the
4 status quo would continue and so we factored up the existing
5 traffic, this certainly leading to the finding of minor level
6 of service deficiencies at the two intersections noted.

7 Based on discussions with the applicant, we
8 learned that this was a major issue to the community. We also
9 conducted a vehicle license plate survey along this section of
10 Good Hope Road. In other words, we looked at the license
11 plates of vehicles using that roadway during the morning and
12 afternoon peak period and, indeed, it was confirmed close to
13 80 percent of the vehicles along this road indeed were
14 vehicles with other than District of Columbia license
15 registrations. Of course, they have a right to use the road
16 but we're simply pointing out some of the overall traffic-
17 related issues within the area because we think this has a
18 clear bearing.

19 Another issue raised by the applicant as far as
20 his own marketability study for the project was related to the
21 parking provisions of the applicant's proposal. The zoning
22 regulations calls for a maximum of one parking space per
23 residential unit, and this is what the applicant is providing.
24 However, the applicant wanted to be sure that this was indeed
25 in keeping with demand. This was also an issue which I
26 understand was raised by the community in order to insure that

1 there would be no overspill of parking into the adjacent
2 areas.

3 We did two things in order to determine whether
4 or not this was a reasonable assumption or whether the
5 provisions of the zoning regulations would be adequate. #1,
6 we undertake a parking usage survey of two similar
7 communities, multi-family residential communities within the
8 area. One is the Skyland Apartments immediately to the east
9 and the other Park Naylor immediately to the north. We did
10 that by serving parking demand during the period of 4 a.m. to
11 6 a.m. in the morning, and we found out that on the average
12 the vehicles parked per unit was in the range of .75. In
13 other words, three quarters of a vehicle per unit during the
14 period of peak parking demand.

15 MR. FEOLA: And we're happy to report that none
16 of Mr. George's employees got interested during that part of
17 the day snooping around that neighborhood.

18 MR. GEORGE: Yes. The second thing we did was
19 look at data available from the Census Bureau regarding
20 vehicle ownership within the general area. We looked at five
21 census tracts within which the subject property is located and
22 the five that are immediately adjacent. The bars to the left
23 and right indicate the total multi-family residential units.
24 That's the higher bar in red and the lower bar in blue
25 indicates the vehicle ownership for the entire census tract.
26 So these were the five tracts we looked at. It's the data

1 that is currently used by the District of Columbia Office of
2 Planning.

3 The vehicles per occupied multi-family
4 residential unit ranges from .49 in the case of this census
5 tract to .88 in the case of this census tract. The census
6 tracts are numbered here and the arrows point to the
7 particular one. On the average, it shows that of the roughly
8 6,000 units within this area, the average vehicles per
9 household is .64. We therefore feel that the applicant's
10 proposal to provide one parking space per unit per the zoning
11 regulations would more than adequately meet the needs of the
12 development.

13 As such, Madam Chairperson, we were able to
14 conclude that the proposed development should not adversely
15 impact the adjacent community, the adjacent properties, from
16 the perspective of traffic and parking and this is in
17 conclusion our finding.

18 MR. FEOLA: Madam Chairperson, that concludes
19 our direct presentation. If there is an opportunity, if we
20 have a chance to add a little rebuttal at the end of
21 everyone's comments, we'd appreciate that. We're open for
22 questions.

23 MS. REID: You're now ready to do what?

24 MS. KING: Present rebuttal. You can do it in
25 your final --

26 MR. FEOLA: Yes, ma'am. We're open for

1 questions.

2 MS. KING: I, of course, have questions.

3 MS. REID: Of course.

4 MS. KING: Mr. George, this is going to be -- I

5 mean you're talking about parking with both the rental units

6 and single family homes, aren't you?

7 MR. GEORGE: Yes.

8 MS. KING: Are the single family homes home

9 ownership or rental?

10 MR. EDGECOMBE: They're home ownership.

11 MS. KING: They're home ownership. What about

12 the apartments? Strictly rental.

13 MR. EDGECOMBE: Yes.

14 MS. KING: It's not going to turn condo?

15 MR. EDGECOMBE: That's not the plan. Yes,

16 ma'am.

17 MS. KING: Okay. Now, we're talking about one

18 parking space for each single family home.

19 MR. GEORGE: Yes. I'm sorry. For each multi-

20 family. Each multi-family apartment would be provided.

21 MS. KING: And that is going to be somewhat up

22 market in comparison -- I mean it's going to be of the nature

23 of the Marbury Plaza and the other buildings in that

24 neighborhood.

25 MR. KNAPP: It's going to be --

26 MS. REID: Give your name. As you speak, give

1 your name and answers the question for the record.

2 MR. KNAPP: Commissioner King, the apartments
3 will be up scale apartments.

4 MS. KING: Okay. So there will be one parking
5 space for each unit.

6 MR. KNAPP: That is correct.

7 MS. KING: And if this up scale development
8 ends up having one car or an average of one car because there
9 are going to be some people who are going to have two cars and
10 some people who won't, but I mean there's no visitor's parking
11 whatsoever.

12 MR. KNAPP: No, that's not correct. There'll
13 be six visitor parking spots and a handicap spot.

14 MS. KING: For 176 units?

15 MR. KNAPP: I should add that our experience is
16 that we always have had adequate parking. In the few cases
17 where parking gets tight, what we start to do is designate
18 specific parking spots rather than having open parking. But
19 we're not anticipating any issues with parking. We feel we've
20 extensively studied the issue and we have extensive experience
21 that our parking will be adequate.

22 MS. KING: Okay. And how many parking spaces
23 are there, Mr. George, for each of the individual houses?

24 You know, the ones on the left.

25 MR. GEORGE: Yes. They would be garage
26 dwelling units so each --

1 MS. KING: One car garage for each unit?

2 MR. GEORGE: One or two garage units, I think.

3 MR. EDGECOMBE: We have some car garages. We
4 also have driveways and there are some opportunities for
5 parking on the street.

6 MS. KING: Okay. It doesn't appear that there
7 would be, even if two or three or four, 10 people were giving
8 parties on the same night, that that would be a problem. I do
9 have some concern. Now, what is the area surrounding the
10 rental units? Mr. George, what's on the street there? What's
11 across the street, for example? I mean are there -- Good Hope
12 Road, which is the road that goes right through, is there
13 parking on both sides of the street?

14 MR. GEORGE: Yes. Parking is allowed on both
15 sides of the street.

16 MS. KING: I'm not interested in the left hand
17 side. I'm only interested in the right hand side. Both sides
18 of the street there?

19 MR. GEORGE: I believe that except for bus stop
20 locations, parking is generally permitted within the area.

21 MS. KING: And your study showed that between 4
22 a.m. and 6 a.m. those situations were vacant or were they
23 filled?

24 MR. GEORGE: What we did was study the
25 situation within the community. In this case, Skyline
26 Apartments here and in the case of Park Naylor up to the

1 north. In the case of Park Naylor, that's a similarly gated
2 community comparable to the one that's proposed here and so
3 the parking was indeed self contained. There was considerable
4 vacancies, even at the parking demand ratio of roughly .75.

5 MS. KING: And the Park Naylor rents for
6 approximately what you are going to charge?

7 MR. KNAPP: Yes. Our rents are comparable to
8 Park Naylor, to Fort Chaplin, to Marbury. To put it in real
9 numbers, a two bedroom two bath renting for about \$750, a
10 three bedroom renting for about \$850. These are rents that
11 are prevailing in the market place in selective units.

12 MS. KING: Okay. So it is analogous. The Park
13 Naylor is analogous to what you're going to charge.

14 MR. KNAPP: Yes.

15 MS. KING: Thank you.

16 MR. GILREATH: Madam Chair, I have a question.
17 Sitting on this Board, I work for the National Planning
18 Commission and one of my responsibilities is to be mindful of
19 federal interest impact. Fort Staten Park divides these two
20 project areas. Do you anticipate any kind of runoff? Will
21 you be treating the lawns with pesticides so this would affect
22 the park or do you feel that there's not going to be any
23 difficulty in that regard? Environmental concerns. Any kind
24 of corrective measures or preventive measures or just what the
25 impact might be.

26 MR. LUTOSTANSKI: For the record, my name is

1 John Lutostanski of Vika Engineering. My home address is
2 13905 Waverly Creek Court in Chantilly, Virginia. Our office
3 is in McLean, Virginia.

4 It's a two part question I'll answer. First --

5 MR. FEOLA: Excuse me. Mr. Lutostanski, would
6 you explain your role in the project.

7 MR. LUTOSTANSKI: Yes. I'm with the civil
8 engineering and landscape architecture aspect of this project
9 as well.

10 In dealing with the civil engineering aspects
11 of it, we had met with D.C. Storm Water Management Branch to
12 discuss how storm water would be treated. And, quite
13 honestly, we were told in no uncertain terms not a drop of
14 storm water shall enter the park from the apartment side. Mr.
15 Cary Cary was extremely clear about that message. No question
16 about it. If I could just take a brief moment to explain what
17 would happen is the water would be collected along the parking
18 lot. The water would be collected along here and then along
19 the back and then it would be piped this way, held in a storm
20 water detention vault about here and then piped through a
21 closed conduit system in Good Hope Road.

22 Very specifically, no storm water management
23 would outfall onto the Park Service property. Along this
24 portion here, this is actually lower. This ground is lower
25 than the Park Service portion, so this is going to drain out
26 that way toward the closed conduit system as well.

1 As far as pesticides go, generally speaking, we
2 use pest management control. My personal feelings on these
3 are that we don't just green up a lawn for the sake of having
4 a green lawn with pesticides on it. Personally, I feel don't
5 put it on the lawn if you don't want to drink it. That's what
6 I do. But basically, using a combination of applied pest
7 management, we can really control the problems if problems
8 should occur. Also, I'd like to bring up one point.

9 The landscaping materials that are being
10 proposed specifically are going to be hardy materials, pest
11 resistant materials. We're not talking about delicate roses
12 and things like that. We're talking about hardy materials
13 that won't really need pest management.

14 MR. GILREATH: Thank you.

15 MR. HOOD: I have a few questions. First of
16 all, going through the development, the street that's going
17 through on the single family home side, is that going to be
18 private or public or is that a continuance of an existing
19 street that already exists or what do we have?

20 MR. EDGECOMBE: I'm sorry. Are you talking
21 about --

22 MR. HOOD: I see a street going through the
23 diagram I'm looking at.

24 MR. EDGECOMBE: Right. We are proposing that
25 that be a public street and we would go with all the District
26 street standards for that.

1 MS. KING: And that would become the
2 responsibility of the District government?

3 MR. EDGECOMBE: I'm sorry. Did I say public?

4 MR. HOOD: You said public.

5 MR. EDGECOMBE: I'm sorry. That is a private
6 street.

7 MR. HOOD: That's a private street. Do all the
8 houses abut that specific private street front entrance?

9 MR. LUTOSTANSKI: Essentially, of the 37
10 houses, 33 would remain on this private road. These are built
11 within a theoretical lot subdivision and the four houses here
12 have road frontage along the public street frontage which is
13 Good Hope Road. On this portion, this is entirely a private
14 street 25 feet wide to work with the subdivision regulations
15 and that's from this point to that point at Ragnor Road.

16 MR. HOOD: The elevation between the park in
17 the middle to the apartment piece and the housing piece, what
18 is the elevation?

19 MR. LUTOSTANSKI: I can give a quick overview.
20 Generally speaking, if you look at the site today, let me
21 focus over here for a second. If you look at it today, this
22 is really a Metro fill site and if you go out there, I think
23 you'll notice that there's large pieces of rubble debris,
24 there's organic debris, there's building construction
25 material. So basically when they built the Metro, they took
26 everything and just dumped it down the hill in uncompacted

1 fill areas. It's not the best materials.

2 The top is a much better soil material. It's
3 roughly in the elevation of 208 elevation roughly and down
4 here, right here it's 100 elevation. It's about 100 feet
5 vertical elevation change between the two.

6 MR. HOOD: So you're saying it's going like
7 this.

8 MR. LUTOSTANSKI: Right. Exactly. With the
9 park in between. The park has a stream valley that occurs.

10 MR. HOOD: The people at the other side of the
11 apartment complex, the view is being blocked to the --

12 MR. LUTOSTANSKI: Coming from Skyline, yes.
13 From the east looking towards the west. There'll be open
14 views in between the buildings. If you notice --

15 MR. HOOD: I'm saying the view is being
16 blocked.

17 MR. LUTOSTANSKI: Portions of the view would be
18 blocked. There's an open spot so you can look this way, to
19 look out that way, and also physically it's a little bit
20 higher. Skyline Park is a little bit higher but also
21 physically we're going to grade it such that the units are
22 starting to go down the hill a little bit to try to work with
23 some of that natural grade. That's going to lower them a
24 little bit. It's not going to make a drastic change, but it
25 will help a little bit.

26 MR. HOOD: My next question is how many sites

1 previously have been done like this, successful sites? I'm
2 aware of one or two, but how many successful sites with the
3 simultaneous piece with the apartments and the single family
4 homes being done at the same time?

5 MR. KNAPP: KSI and Kettler and Scott Companies
6 has replicated this at least a dozen times. It's very common
7 for us to have single family homes back to back with multi-
8 family apartments. We can show you many examples of it,
9 whether it's at Cascade, whether it's at Virginia Run.
10 There's a whole science method of doing this.

11 For example, we have programs where our
12 apartment renters have the ability to accrue equity towards
13 the purchase of a home. They live in our apartments and rent
14 for about a year. Then when it comes time to buy a house
15 across the street, they get some rental -- they get some
16 equity credit toward the purchase of that house. So this is a
17 very common configuration to do in a planned environment.

18 In this case, we have uniform nomenclature.
19 The community will be known as Woodmont. The apartment
20 product will be known as the Apartment Homes at Woodmont.
21 Gene's product will be known as the Single Family Homes at
22 Woodmont. So this is something that has been done numerous
23 times before in a planned community setting.

24 MR. EDGECOMBE: Also, Mr. Hood, as I pointed
25 out in my presentation, it's the same thing we're doing over
26 at Montana and our Woodbridge site.

1 MR. HOOD: Let me stop you right there. As far
2 as I'm concerned, I'm aware of that one. I wanted to find out
3 about some other ones that I thought were maybe more
4 successful than what's going on over there.

5 Another question. What were some of the
6 concerns -- I'm sure I can ask the citizen's associations and
7 ANC when they come up. What were some of the concerns that it
8 seems like they have with the apartment use?

9 MR. KNAPP: Are you addressing that to us? I'd
10 like to answer that. And obviously you will hear from
11 Fairlawn. I had my ears open as much as I could to the
12 Fairlawn Civic Association and I really believe that they
13 think the apartments that our group are going to be developing
14 will be similar and comparable to some of the apartments that
15 they've seen developed in Anacostia that have been subject to
16 deterioration, absentee ownership, vandalism, lack of
17 maintenance, abuse, drug infestation. These have been some
18 bad examples of apartment ownership and management, not just
19 in Anacostia but throughout the area.

20 The Fairlawn residents have been exposed to a
21 lot of the bad. I don't know if they've been exposed to our
22 style of apartment community which is luxury in nature, very
23 upscale, carefully controlled and managed, secure, has
24 intensive programs. So I feel that somehow our apartments are
25 being tarred with the same brush of other apartments. I think
26 that's really the fundamental issue.

1 MR. HOOD: The only reason I saw in the
2 literature stating that feasibility of that not continue to be
3 the single family piece across on the other side was because
4 of the market. Is that correct?

5 MR. KNAPP: Can you repeat the question,
6 please?

7 MR. HOOD: The only thing that I saw in our
8 presentation that you cited was the reason you didn't continue
9 that single family home piece on the other side was because of
10 the market.

11 MR. KNAPP: Well, economics. The project
12 economically does not work as a single family development.
13 The economic engine driving this development is the multi-
14 family. Multi-family will be an excellent use in its own
15 right but through the economic engine of the multi-family
16 we're able to create a single family development working with
17 Mr. Edgcombe which would not otherwise be possible without
18 the multi-family.

19 MR. HOOD: It's too bad because that single
20 family piece shines, but I'll wait and ask--

21 MR. KNAPP: We heard that and we tried to
22 maximize to the extent we could the single family piece.

23 MR. HOOD: For example, let me go back to
24 Woodridge. Single family homes in Woodridge do work well and
25 it does go well but that other component, there's a problem,
26 as far as I'm concerned, with the other component. I see

1 another problem resulting here. I'll wait for further
2 testimony.

3 MR. FEOLA: If I just may address that, Madam
4 Chair, for a second just to make sure the record is clear on
5 that because I want to make sure it's clear. The Montana
6 Terrace revitalization does still include public housing and
7 some home ownership. There will be no public housing involved
8 on this property. And, as Mr. Knapp testified earlier, there
9 is a market demand for good apartments in this part of the
10 world. Good quality apartments. And the simple fact is that
11 Fort Chapman had a waiting list for 20 years. Somebody moves
12 out, the next day they paint it and somebody moves in.
13 Marbury, the same way. Just sold for a lot of money per unit.
14 Some people want or need to live in apartments. So I think
15 that's part of the mix here that's driving it. But it's
16 clearly an economic reason.

17 MR. HOOD: Let me just ask. How many floors in
18 the apartments?

19 MR. FEOLA: They're four stories. Three and
20 four stories. There's one full three story building, the two
21 end buildings are three and it goes to four stories. They're
22 walk up apartments.

23 MR. GILREATH: In terms of security, will it be
24 controlled entry, particularly for the apartments, or anyone
25 can drive in?

26 MR. KNAPP: No. It will be a gated community

1 with controlled access. The control point will be right here.
2 This club house facility will be open for public use but if
3 you get beyond the club house into the community, you'll have
4 to be let into a gate. This is a very common way of
5 developing and designing luxury rental communities these days.

6 MR. GILREATH: Will the people in the
7 apartments accrue this equity? Does the same kind of program
8 apply to this?

9 MR. KNAPP: Yes.

10 MR. GILREATH: They accrue equity and
11 eventually buy a home other in the other area?

12 MR. KNAPP: Yes, that is correct. It's called
13 a rent to buy program and it's something we've done in other
14 communities.

15 MS. REID: How does it work? I'm not familiar
16 with that concept. How does that work?

17 MR. KNAPP: We find that our rental customers
18 are very frequently saving up money because they're on the way
19 to home ownership. These are typically professional people
20 that are renting for a year while they get settled in a new
21 job, accrue some money. We have found that the end buyers of
22 the single family home product are very frequently customers
23 that have once lived in a nearby rental community.

24 So what we learned how to do a few years ago is
25 to institutionalize this and every month when a renter pays
26 rent towards their apartments, we designate about \$150 of that

1 per month to accrue toward the down payment on a single family
2 home so when they go across the street to the single family
3 home and they've rented for a year at the apartment community,
4 they have accrued a couple of thousand dollars towards the
5 equity of a home purchase.

6 The mechanism to monetize this is we're cutting
7 out of the transaction a broker. In other words, the resident
8 moves directly from our apartment right to Mr. Edgecombe's
9 operation. There's no intermediary broker. There are savings
10 that are passed on to the resident through the rent to buy
11 program. It's a very common mechanism that's been done in
12 numerous situations.

13 MS. REID: Okay. I have a few questions. Some
14 of the issues that have been raised by community residents and
15 the ANC 8B with regard to what they have described as having
16 experienced various developments coming into the community and
17 making profit and, after a time, abandoning those same
18 communities leaving in its wake crime and drug havens and the
19 whole nine yards.

20 What assurances have you proffered to the
21 community that you would be there for the long haul, and the
22 number 25 years or more was raised.

23 MR. KNAPP: Ma'am, we agree with what you said
24 about ANC 8B. They did not oppose our project, but they did
25 raise that issue as a concern, whether we would be there for
26 the long haul. We took the Commissioner of 8B, Hope Etienne,

1 to view a couple of our properties to try and show her the
2 quality by which we manage them. The only thing I could say
3 is you have our commitment. We're going to be managing and
4 owning these properties long term, and we can certainly handle
5 it contractually as well.

6 MS. REID: Okay. So --

7 MR. KNAPP: There are methods by which we can
8 contractually arrange to own and retain ownership and control
9 of the property.

10 MS. REID: That was my question. So you have
11 proffered to them some type of arrangement or agreement
12 whereby you would be conducive to agreeing to a set number of
13 years.

14 MR. KNAPP: Ms. Chairperson, to date I haven't
15 been asked specifically to make such a proffer, but we are
16 prepared to do that. It's something that's aligned with our
17 goal. We want local people, we want long term ownership and
18 management. That is something we can contractually handle.

19 MS. REID: I would think that, given the fact
20 that the response I'm seeing coming from the community for the
21 most part seems to be supportive, but those were some of the
22 reservations that I was seeing in that you're the developer
23 going into this community that you would try to do whatever
24 you could to mitigate some of the reservations that folks had
25 there.

26 My other question is, and I guess I just can't

1 remember. Just refresh my memory. With regard to the density
2 of the apartments, what is the breakdown of one, two and three
3 bedrooms?

4 MR. KNAPP: Ma'am, it's 176 units.

5 MS. REID: Right.

6 MR. KNAPP: Two thirds of the units are two
7 bedroom, two bath. One third of the units are three bedroom,
8 two baths.

9 MS. REID: No one bedroom?

10 MR. KNAPP: Excuse me?

11 MS. REID: No one bedroom?

12 MR. KNAPP: There are no one bedrooms. Our
13 studies have shown that the customer out there wants two full
14 baths, two full bedrooms. That is the market. So we want to
15 design to meet the market.

16 MS. REID: Now, in regard to the parking, you
17 said earlier that there was a provision for one parking space
18 per unit.

19 MS. KING: In the rental unit.

20 MS. REID: One per unit even though they have
21 two or three bedroom units. And six, you said, for visitor
22 parking and you deem that adequate?

23 MR. KNAPP: Yes, I certainly do. The studies
24 have shown that .75 would be enough. We've given ourselves a
25 cushion, accounting for the fact that we do have a few more
26 twos and threes than some of the comparables. But our

1 experience is that yes, we certainly have adequate parking.
2 Our studies have shown that a lot of our customers such as
3 Marbury will be professionals taking the bus 15 minutes to go
4 to high paying jobs in the District.

5 MS. REID: So when you refer to the on street
6 parking on Good Hope Road, that was not in regard to the
7 apartment complex, was it?

8 MR. KNAPP: That is correct.

9 MS. REID: Okay. Here's what I don't
10 understand. This is a gated community.

11 MR. KNAPP: Right.

12 MS. REID: Where you drive ostensibly for
13 fortress type of safety atmosphere. Then would someone be
14 compelled to park outside of that gated community to walk into
15 the community?

16 MR. KNAPP: No, ma'am. A guest would come to
17 this entry circle and there's a little station there where
18 they enter the apartment code of their friend and ask, Can I
19 be let in? And the friend buzzes them through and they park.
20 We know from experience there are going to be surplus
21 unutilized spaces. To the extent of some peak demand, it's
22 not uncommon to have life in the big city where you do park
23 outside the community, then get buzzed through as a
24 pedestrian. But that would be the exception. For the most
25 part, visitors will be coming through the gates to park in
26 surplus spaces available.

1 MS. REID: Well, okay. Let me rephrase my
2 question. My question was not pertaining to pedestrians as
3 visitors. I was referring to the people who would be actually
4 living in this particular complex. Are you saying that in
5 fact some of those persons who live there parking on the
6 street?

7 MR. KNAPP: Absolutely not. No, absolutely
8 not. Absolutely not.

9 MS. REID: You were proffering that as perhaps
10 for visitors or people who don't live there.

11 MR. KNAPP: Yes. Absolutely not. That would
12 be unprecedented for our customers not to be able to find on
13 site parking. We've never had that situation happen before.

14 MR. FEOLA: Mr. Knapp, are you going to charge
15 extra for the parking spaces?

16 MR. KNAPP: No. Parking is built into the rent
17 structure. The rents are fairly high, and that does include
18 the luxury of having your own parking space.

19 MS. REID: Okay. You've got a follow up.

20 MS. KING: They will be numbered so that
21 apartment one has parking space one, etcetera?

22 MR. KNAPP: Ma'am --

23 MS. REID: Not initially.

24 MR. KNAPP: As I stated earlier, we have not
25 found that necessary to do tags and designated parking because
26 parking has not been an issue. To the extent it is and we're

1 surprised -- it happens every once in a while -- we do have
2 the ability to control parking through stickers. But at this
3 point, we don't think that's going to be necessary because we
4 think there will be surplus parking.

5 MS. REID: Numbered parking spaces are more
6 typical for condominium complexes rather than rental.

7 In this particular complex, are there going to
8 be any low or moderate income set asides?

9 MR. KNAPP: No, ma'am. There'll be no skewing
10 of rent. The rent structure will be a two bedroom, two bath
11 for \$750, a three bedroom, two bath for \$850. There'll be a
12 few smaller two bedroom, two baths which will rent for \$825
13 but there'll be no low income set aside or affordable dwelling
14 units or any such thing.

15 MS. REID: Okay. Mr. Osborne, I have a couple
16 of questions for him, please. Osborne George. You in your
17 report indicated that you don't foresee -- your authority
18 stipulated that you don't foresee any great impact as a result
19 of this development coming on line in this community, save the
20 possibility of two intersections, one of which was Good Hope
21 and 25th Street which is already, you said, problematic.

22 MR. GEORGE: Yes, ma'am.

23 MS. REID: You suggested that perhaps
24 adjustment of the signal's timing might be a solution for
25 mitigation of that particular adverse impact. Can you explain
26 what that means or how that's going to be achieved.

1 MR. GEORGE: Yes, ma'am. That intersection, as
2 you alluded to, is signalized and the capacity of a signalized
3 intersection can often be enhanced by minor adjustments in the
4 timing. That is, the amount of green that is allocated to the
5 various movements. Now, this is a service that we have
6 performed for the Department of Public Works at other
7 locations outside of development applications and we typically
8 use optimization tools, software programs, so that determining
9 the optimum phasing for intersections to increase their
10 capacity.

11 And we have shown that even based on the
12 current timing, signal timing, there would be minor level of
13 service deficiency. We've also shown that by minor
14 adjustments in the timing, in other words, the amount of green
15 given to a particular movement at a particular time of day,
16 considering the directional flow of traffic, that you can
17 obtain additional capacity and greater efficiency of the
18 intersection.

19 MS. REID: Okay. You also mentioned the Barney
20 Circle project. I'm not familiar with that. Could you give us
21 some additional information. You proffered that as a basis
22 for a further mitigation of some of the adverse impacts. I
23 need to understand what that is so that I can garner where
24 that comes into play.

25 MR. GEORGE: I think the term Barney Circle
26 refers to a circle which used to be in this area which was at

1 the approach point of a number of roads, some leading to the
2 RFK Stadium area and, of course, the 295 expressway area or
3 395, as well as Pennsylvania Avenue. Over the last perhaps 10
4 years, the city has been looking at general improvements, part
5 of which have already been implemented in the widening of the
6 bridge over the Anacostia River here. Other ramp connections
7 have been providing access to the RFK Stadium. I did not do a
8 detailed research or in fact any significant research
9 regarding the status of this project, but information that I
10 had gathered as part of other products -- this includes a
11 section of Pennsylvania Avenue, a heavy commuter route.

12 Now the reason we indicated this section in red
13 is because of the extreme delays, the congestion levels that
14 are currently being experienced. And I think that is one of
15 the objectives of the Barney Circle project. What we said is
16 that --

17 MS. KING: Excuse me, Mr. George. I thought the
18 Barney Circle project was dead in the water?

19 MR. GEORGE: Well, I know -- I think some
20 elements of it may be. But indeed some elements have indeed
21 been implemented.

22 MR. FEOLA: May I, Ms. King? The freeway
23 portion of the Barney Circle project is dead. There are still
24 road improvements that were part of the Barney Circle study
25 that I think DPW anticipates funding and building.

26 CHAIRPERSON REID: Lights?

1 MR. FEOLA: Light signalization, widening of
2 roads, and so forth.

3 CHAIRPERSON REID: Where? On this -- where you
4 have indicated in this heavy red tape?

5 MR. GEORGE: What we are saying is that this
6 section of roadway is heavily congested and that was part of
7 the objective of that overall project, to improve mobility
8 along this section. Likewise, this section of Branch Avenue
9 to the south. Because of this, there is significant intrusion
10 of traffic along roadways such as Good Hope Road, which again
11 our studies have shown that during the morning peak hour, 75
12 percent of the vehicles heading westbound along Good Hope Road
13 is of other than D.C. registration. And so we are saying that
14 should the District of Columbia implement some of these other
15 sub-area improvements, we expect the situation along that
16 roadway to be similarly relieved.

17 MS. KING: But that is problematical and
18 somewhere in the future?

19 MR. GEORGE: Somewhat -- yes, but it -- yes, I
20 do concur.

21 MR. FEOLA: But, Mr. George, did you anticipate
22 those improvements in your study?

23 MR. GEORGE: No, we did not.

24 MR. FEOLA: So you assumed no change in the
25 existing --

26 MR. GEORGE: Exactly. In fact, we took the

1 existing volumes, which we think reflect that intrusion, and
2 we factored those up. So there is a built-in, perhaps, factor
3 of safety, if you call it, as far as our projections. In
4 other words, assuming not only that the status quo would
5 continue, but that it would continue to grow.

6 MR. FEOLA: Have you been able to talk with the
7 Department of Public Works about your report?

8 MR. GEORGE: Yes. As I indicated, we consulted
9 with DPW in establishing the study area and the basic
10 parameters of our study. We understand from Mr. Abdullah
11 Ibah, who is a staff person typically assigned with
12 responsibility for reviewing the study, that he has a copy and
13 that he has reviewed it. Unfortunately, his indication to me
14 as of yesterday was that other pressing assignments would not
15 allow him to prepare a response in time, but he had no
16 questions or no concerns regarding our methodology or the
17 conclusions of that study.

18 MR. HOOD: Madam Chair, may I just ask may the
19 record be open so we can obtain that from Department of Public
20 Works?

21 CHAIRPERSON REID: DPW?

22 MR. HOOD: Right.

23 MR. HOOD: Yes, I would very much like to see
24 that report from DPW because being reasonably familiar with
25 this area and in regard to ingress and ingress of automobiles
26 coming down those major arteries, presently it is problematic.

1 MR. GEORGE: Yes.

2 CHAIRPERSON REID: And I would like to see a
3 better proffer of possible mitigation and diffusing of what I
4 see to be a considerable impact in regard to traffic.

5 MR. GEORGE: Yes. Well, my response would be
6 two-fold. Number one, we have shown that the minor or
7 marginal level of service deficiency at the location first of
8 all currently exists at the one location to the east. And
9 secondly, we have the documentation or the analysis results
10 which shows that it can be improved just by adjustment in the
11 signal timing and phasing.

12 CHAIRPERSON REID: Well, that being the case,
13 it would seem that someone would have thought about that
14 before now.

15 MR. GEORGE: Yes. It is typically the case
16 there are other --

17 CHAIRPERSON REID: If it is just a simple
18 adjustment of the timing or the signal.

19 MR. GEORGE: Yes.

20 CHAIRPERSON REID: That seems to be a very
21 simple process or procedure.

22 MR. GEORGE: Yes.

23 CHAIRPERSON REID: We could have done that.

24 MR. GEORGE: I would like to make it clear that
25 I am not suggesting that every intersection within the city
26 could be brought up to an acceptable level by such means.

1 CHAIRPERSON REID: I didn't think you were
2 saying that, Mr. George.

3 MR. GEORGE: Right. Okay. Yes.

4 MR. FEOLA: Madam Chair, while the applicant
5 believes that Mr. Hood's suggestion is a good one that the
6 record be left open for a Department of Public Works report, I
7 would ask that the Board put some time limits on that because
8 I think the Department of Public Works would react better to
9 knowing they have to have it done by such and such a date as
10 opposed to open-ended.

11 CHAIRPERSON REID: Well, that is a given, Mr.
12 Feola. We have already -- once Mr. Hood requested it, that is
13 something that Ms. Pruitt-Williams would have automatically
14 regarded to set up a time line for the receipt of such. Any
15 other questions?

16 MR. GILREATH: Yes. Madam Chair, I certainly
17 want to make sure there are no adverse or significant
18 transportation or traffic impacts. But I don't think we
19 should get in the situation of -- as I have understand it that
20 the majority of these cars are serving the residents of Prince
21 George's County and Maryland tags. And to say the District
22 cannot build any more housing because if we put more cars on
23 the road there, it is going to impact them. There has to be
24 some kind of balance and certainly we need mitigation.

25 CHAIRPERSON REID: Wait, wait. Did he say
26 that?

1 MR. GILREATH: He said most of the tags as a
2 fact were non-D.C. automobiles passing on those streets.
3 MR. GEORGE: Yes.
4 CHAIRPERSON REID: I heard him -- I am sorry, I
5 just didn't hear the percentage. Did you say that most -- you
6 said was it 70 or something? That 70 some percent, you were
7 saying those were not D.C. tags?
8 MR. GEORGE: Exactly, were none other than --
9 other than District of Columbia registration.
10 MR. GILREATH: Commuters.
11 MR. GEORGE: Commuters.
12 MR. GILREATH: Commuters coming from outside
13 the District?
14 MR. GEORGE: Yes.
15 CHAIRPERSON REID: Well, what about the people
16 who live there?
17 MS. KING: What about that?
18 CHAIRPERSON REID: Yes.
19 MS. KING: What about that?
20 CHAIRPERSON REID: I mean how many cars -- you
21 indicated a number of so many cars per person that you had
22 analyzed in that area.
23 MR. GEORGE: Yes.
24 CHAIRPERSON REID: What was that? Did you say
25 --
26 MR. GEORGE: For the entire area for which we

1 collected and analyzed census track data, it was .64.

2 CHAIRPERSON REID: Oh, .64.

3 MR. GEORGE: Right. Vehicles per multi-family
4 rental unit. That was the ownership ratio.

5 CHAIRPERSON REID: What about single family
6 ownership?

7 MR. GEORGE: Those varied. Those were high,
8 indeed between 1 and 1.5 and 1.6 vehicles per household for
9 owned residences.

10 CHAIRPERSON REID: It seems very strange to me,
11 Mr. George, that given the fact that you do have a
12 considerable amount of automobile ownership in that immediate
13 vicinity that 75 percent of the tags would be from out of
14 state or out of town.

15 MR. GEORGE: Yes.

16 CHAIRPERSON REID: I find that very complexing.
17 But --

18 MS. KING: Well, it is a major artery to bring
19 people in from Maryland.

20 CHAIRPERSON REID: But the people who live
21 there have to travel those roads as well.

22 MR. GEORGE: Yes.

23 CHAIRPERSON REID: That is the only way that
24 they can travel those roads and get in and out.

25 MS. KING: I mean, I live near Reno Road and
26 34th Street and I suspect that Mr. George has probably done

1 surveys on Reno Road and 34th Street like that in my
2 neighborhood 75 percent of the cars during rush hour in the
3 morning and evening don't have D.C. tags either. I mean, it
4 is what happens to you when you live on a major arterial
5 coming in from the suburbs.

6 CHAIRPERSON REID: Okay. I just find it
7 baffling.

8 MR. GEORGE: Madam Chairperson, I would say
9 this is by no means unique here. We have done similar
10 surveys. I don't think, Ms. King, not on Canal Road, but on
11 Georgia Avenue, which leads into Maryland, and the statistics
12 are similar.

13 CHAIRPERSON REID: I just -- I was saying that
14 to just basically illustrate the fact that I was not familiar
15 with that aspect of the trafficking. I did not -- it wouldn't
16 have occurred to me that most of the traffic on those roads
17 were people other than those who live there. But I am not a
18 traffic person.

19 MR. GEORGE: Yes.

20 CHAIRPERSON REID: Mr. Hood?

21 MR. HOOD: I am not a traffic expert. I want
22 to switch over.

23 CHAIRPERSON REID: Anyone. Anything.

24 MR. HOOD: Okay. I just wanted to ask a
25 question. I am here looking through the packet again and I
26 may have missed it so bear with me. Vertex and IDS, are you

1 going to do a project similar to what you have proposed to do
2 over in Woodridge as far as dealing with computer training
3 employment? Is that what I am understanding? Or is this in
4 the package just for us to know exactly what you were working
5 with and what you are doing?

6 MR. EDGECOMBE: No. Right now the only thing
7 we may add to our package over here that we are giving
8 consideration to is the potential for adding the
9 telecommunications piece whereby homeowners would have access
10 to Internet, telephone and cable through a system that all the
11 homes would be connected to similar to what we have over at
12 Woodridge right now whereby you can plug into one gang outlet
13 and have access to those three services. That is something
14 that we are looking at right now, but nothing beyond that at
15 the present time.

16 MR. HOOD: And you have that already in
17 existence over at Woodridge?

18 MR. EDGECOMBE: Yes.

19 MR. KNAPP: In the multi-family community
20 inside our clubhouse facility, we will be doing computer
21 training. We will have a room dedicated to training with
22 computers and it is comparable to something we have done in
23 our other planned communities.

24 MR. HOOD: Now who is going to head that up?
25 Is it going to be IBS personnel?

26 MR. KNAPP: No, no. This will be handled by

1 KSI, the management agent. We have found that there is a lot
2 of need to enrich the lives of children after they come home
3 from school prior to their hard-working parents coming home.
4 So we know as a matter
5 -- we know that we are going to be engaged heavily with our
6 children on site in after-school enrichment programs and other
7 training programs.

8 MR. HOOD: And that is going to be for the
9 multi-unit?

10 MR. KNAPP: That is correct.

11 MR. HOOD: As opposed to the single family
12 homes?

13 MR. KNAPP: That is correct.

14 MR. HOOD: And what about the existing homes?
15 Will they be able to come in and participate?

16 MR. KNAPP: There will be an arrangement with
17 the homeowners association, Mr. Edgecombe, where for a fee
18 they can use our rec facilities such as our swimming pool, our
19 exercise facility, our tot lot and our computer training
20 facility. But that would be as an a la carte fee to be worked
21 out with the HOA of the homeowners. For my on-site
22 apartments, it is included in the rent.

23 MR. HOOD: Okay. Now would that just apply to
24 new construction? What about existing construction that is
25 already in the area?

26 MR. KNAPP: No. This will just -- what I am

1 talking about just applies to a community called Woodmont. It
2 is exclusive to our community called Woodmont. Because it is
3 a private facility.

4 MS. KING: I am sorry, do you mean it will
5 apply -- the clubhouse will be used by the people who live in
6 the multi-family dwellings and the single family homes and
7 that is it and their guests presumably?

8 MR. KNAPP: Yes. With one exception. We will
9 be glad to open our doors to regularly scheduled community
10 meetings, for example ANC meetings, Frederick Douglas
11 Meetings, Fairlawn Civic Association meetings. We will do
12 that. Because certainly as a major landowner in the area and
13 operator, we see that we should be part of any agenda.
14 Inevitably, we will be part of the agenda in terms of
15 lighting, landscaping, maintenance and all that. So we
16 customarily open our doors to community group activities and
17 meetings.

18 MR. EDGECOMBE: One thing, a point of
19 clarification on Mr. Hood's comment as related to our
20 Woodridge Montana tourist piece. Through IDS, we have a non-
21 profit and that non-profit put together a program to assist
22 low-income families to help them get into job training and to
23 assist them in the home ownership program that we have
24 established. So that was a little different scenario there.

25 CHAIRPERSON REID: Okay.

26 MR. HOOD: And let me just say this, Madam

1 Chair. The reason I really didn't want to focus on Woodridge
2 was because I was a part of that. I have worked with them on
3 that and I know a little bit about that. So I want to put
4 that out on the record.

5 CHAIRPERSON REID: Okay. Just one last
6 question. In regard to the gated community, is that literally
7 a gate around the parameter of that development? Where is it?
8 Can you point to it for me and tell me what type of gate?

9 MR. KNAPP: Yes, ma'am. It is going to be an
10 attractive wrought iron gate that surrounds the community.

11 CHAIRPERSON REID: How high?

12 MR. KNAPP: It is 6 to 7 feet. In quality, it
13 is comparable to those pictures we showed of Sidelands wrought
14 iron fence. It is an attractive wrought iron fence. In areas
15 that are in the tree line and less visible, the wrought iron
16 fence could transition into a chain link fence in areas that
17 is not visible. But in any high impact visible area, it will
18 be a very attractive black, dark-colored, wrought iron fence.
19 It will have automatic arms that open up when activated by a
20 customer.

21 CHAIRPERSON REID: Is that depicted in the
22 plans that you submitted?

23 MR. KNAPP: There is not specifics, I think. I
24 don't think there are specifics.

25 CHAIRPERSON REID: Okay. But we have -- the
26 plans were here, so we still have to take the time and look at

1 them. And just out of curiosity, when you did the single
2 family development, why did you decide not to make that also a
3 gated community?

4 MR. EDGECOMBE: Typically on our single family
5 -- and as I mentioned, we are doing -- we have got three of
6 them under construction right now. None of which we have made
7 gated. We have given consideration to it. Quite frankly,
8 most of our single home family buyers really have not desired
9 gated necessarily. However, within our homeowners
10 association, we do have an article within their by-laws
11 relating to fencing in general for individual property owners.
12 But not a gated community. And we don't necessarily think it
13 would fit this community.

14 CHAIRPERSON REID: Well, that is interesting
15 because my take on this is the reason why you have elected to
16 make this a gated community is because of the various elements
17 that are perhaps known to be in this particular area and as a
18 safety vehicle. That is my understanding. Is there another
19 reason why you would --

20 MR. KNAPP: Ma'am, it is really a matter of
21 economics. The gate and the gate system costs a few hundred
22 thousand dollars. That could be easily spread across 176
23 apartment units such that it has a very negligible impact in
24 the rent of our renters. When you try and put a gate around a
25 37-unit community, it is really the same cost, but it is
26 allocated among very few individual homes. And there just

1 comes a point where the gate is nice and our customers are
2 willing to pay maybe \$5.00 or \$10.00 a month for it, but it is
3 really hard to have them pay \$50.00.

4 CHAIRPERSON REID: I understand.

5 MR. KNAPP: It just becomes a matter of
6 economics.

7 CHAIRPERSON REID: That is an amenity that is
8 absorbed by the number of units.

9 MR. KNAPP: Yes.

10 CHAIRPERSON REID: Wherein on the other side,
11 it is just not economically feasible to do so.

12 MR. KNAPP: Exactly.

13 CHAIRPERSON REID: You know, you answered my
14 question. Because I just wondered why on this side you have
15 the gated community and then over here, right across from it,
16 you did not have it.

17 MR. KNAPP: It really has to do with economics.
18 We found in other locations, whether it is Reston or Bethesda
19 that the gates were, that the renters like the gates because
20 it doesn't have a huge impact on their rents, but it is very
21 beautiful and it creates a sense of security and privacy that
22 they are willing to pay an extra \$5.00 or \$10.00 for. To the
23 extent it becomes a \$50.00 a month item, then we think it is
24 less marketable.

25 MR. EDGECOMBE: The other issue is that our
26 developments -- our single family developments tend to be

1 under 40 houses, far less traffic and a lot easier to maintain
2 in terms of visual maintenance. When you start getting into
3 the larger 100-plus houses, it becomes a little bit of a
4 different issue.

5 CHAIRPERSON REID: There is a homeowners
6 association for each, the apartment and also -- I mean, an
7 apartment association for the apartments and a homeowners
8 association for the single family homes?

9 MR. KNAPP: It is a little different. For Mr.
10 Edgecombe, he will have a traditional homeowners association.
11 For me, the property management agent -- you know, my company
12 -- will be involved as the property manager and we will have
13 all responsibility for maintenance, paying the bills, and
14 upkeep. So it is the management company in the apartments as
15 opposed to a tenants association.

16 CHAIRPERSON REID: Okay.

17 MR. HOOD: Mr. Edgecombe, what do you project
18 the homeowners association fee will be for the single family
19 homes?

20 MR. EDGECOMBE: Since we are primarily fee
21 simple without the whole lot -- we don't have any large
22 amenities or open spaces, probably in the \$30.00 to \$40.00 a
23 month range for assessments.

24 MR. HOOD: And we are saying that is going to
25 be a private street?

26 MR. EDGECOMBE: That will be a private street,

1 yes.

2 MR. HOOD: And the residents will be
3 responsible so many years on down the road to repave or
4 whatever?

5 MR. EDGECOMBE: That is correct. And we would
6 take the responsibility for putting together the by-laws and
7 so forth for the homeowners association.

8 MR. HOOD: So you will have that already set up
9 when the residents purchase?

10 MR. KNAPP: Exactly. We did the same thing at
11 Woodridge.

12 CHAIRPERSON REID: Okay.

13 MS. KING: Madam Chair, I have a couple of
14 legal questions.

15 CHAIRPERSON REID: Okay.

16 MR. FEOLA: Ma'am? I assume you are addressing
17 them to me. Maybe you should address them to one of the
18 others.

19 MS. KING: You. What is the enforceability of
20 the 25-year commitment to continue to own and manage these or
21 to continue to manage the private houses and to continue to
22 own and manage the rental? I mean, you know we have heard
23 some language about yes, we would commit. We will still be
24 there 25 years down the road and they can count on us. But I
25 mean --

26 MR. FEOLA: The truth is if it is done by

1 private contract, it is a contractual enforceable right.

2 MS. KING: In other words, the question is
3 could your clients sign a contract with the Fairlawn citizens
4 association undertaking -- and the ANC whatever it is?

5 MR. FEOLA: The ANC couldn't because it is a
6 government agency. But certainly Fairlawn could. This Board
7 doesn't have the authority, quite frankly, to limit --

8 MS. KING: No, no. That would have to be --
9 the courts would have to.

10 MR. FEOLA: Right.

11 MS. KING: But I mean could it be enforced?

12 MR. FEOLA: Yes.

13 MS. KING: With penalties should your client
14 fail to --

15 MR. FEOLA: Like any contract, that is correct.
16 I mean, it will be subject to everything else in the world
17 like bankruptcy and foreclosure and things like that. But it
18 would be a contract enforceable like any other contract.

19 MS. KING: Okay. Have you seen a copy of the
20 letter that Council Member Ambrose sent to the BZA?

21 MR. FEOLA: I did not.

22 MS. KING: Could the staff give a copy, please,
23 to Mr. Feola?

24 CHAIRPERSON REID: Wasn't he supposed to have
25 gotten a copy of that?

26 MS. KING: He should have been. But it came in

1 at --

2 CHAIRPERSON REID: I think it came in today.

3 MS. KING: It came in at seven minutes of one.

4 Let me give you my copy and could I read from yours in asking
5 my questions? I don't need another copy. She is writing in
6 support of the Fairlawn community in this case, and she says
7 amongst other things -- you will see in the middle of
8 paragraph 2 -- "It was to protect the concerns about
9 preserving the residential character of the community that I
10 introduced and so enacted into the comprehensive plan the
11 following language, to wit, to encourage rowhouse construction
12 compatible with existing neighborhoods while discouraging the
13 development of additional multi-family in the Fairlawn
14 community. The purpose of these amendments are to protect the
15 housing stock and families in the Fairlawn community." As
16 you know, one of the things that we have to look at is
17 compatibility with the purpose and intent of zoning
18 regulations and maps and I wonder if you would explain to us
19 how you would like to argue against Mrs. Ambrose's -- the
20 question Mrs. Ambrose has raised.

21 MR. FEOLA: In the first instance, the
22 comprehensive plan, which has recently become law as it has
23 come down from the Hill, hasn't changed the zoning. And until
24 the Zoning Commission changes the zoning to make it not
25 inconsistent with the comprehensive plan, both of these
26 properties are zoned for multi-family housing development.

1 And it is R5-A and R5-B. And what we have tried to strive
2 here is a compromise between the desires of the community and
3 what the Council member is trying to achieve, and the
4 underlying zoning, which the seller of this property, which is
5 not here at the table, anticipates getting a return for. If
6 this property were zoned R-1A or R-1B, we couldn't be before
7 this Board trying to establish a 176-unit apartment building.
8 We would have to go through a zoning process.

9 MS. KING: So, I mean, the comprehensive plan
10 is now enacted in the next stage -- let me just get this
11 clear. It is for the Zoning Commission to make the changes to
12 the maps that reflects the law that exists now, is that it?

13 MR. FEOLA: That is correct. And any other
14 changes as well to the text or the maps.

15 MS. KING: Okay. I understand that. But I
16 mean the fact that it has gone through the council, the mayor
17 signed it -- a mayor has signed it, I assume the last mayor
18 and not the current one, and that the Congress has reviewed it
19 and it has survived. I mean, minus the fact that the -- I
20 mean, absent the fact that the Zoning Commission hasn't done
21 anything, isn't it law and does it matter if the Zoning
22 Commission has acted as long as the council, the mayor, and
23 the Congress have acted?

24 MR. FEOLA: Not with regard to land use. The
25 council -- the comprehensive plan with regard to land use is a
26 policy guide to the independent agency, the Zoning Commission,

1 and the Zoning Commission is then charged with evaluating the
2 zoning regulation's consistency with that plan. The Zoning
3 Commission in the District of Columbia is the legislative body
4 that changes the zoning laws -- makes the zoning laws and
5 changes them. And the fact is that the zoning of this site is
6 R5-A and R5-B and has been for almost 50 years, and the Zoning
7 Commission may decide to change it or may not decide to change
8 it based on this policy guideline. I don't see the council --
9 or I haven't seen the language in the plan and I don't see the
10 council members language saying change parcel 175 or whatever
11 it is to R1-B. It says to discourage the development of
12 multi-family housing. You are an independent agency of this
13 government. You could read that to mean no more apartment
14 houses in Fairlawn or maybe only good apartment houses in
15 Fairlawn. What is discourage multi-family housing? But I
16 think the courts would sustain the fact that the zoning
17 permits this.

18 MS. KING: At present.

19 MR. FEOLA: At present.

20 MS. KING: But it may change before we make our
21 final decision?

22 MR. FEOLA: Very unlikely. I mean, just a
23 zoning case takes by notice and --

24 MS. KING: But have you seen the -- Mr. Feola,
25 have you seen the bill that has now gone through the whole
26 legislative process?

1 MR. FEOLA: The comprehensive plan?

2 MS. KING: Yes.

3 DR. KROBOTH: Yes, ma'am.

4 MS. KING: And do you know what it says about

5 the specific location of the multi-family housing?

6 MR. FEOLA: I don't know, no, ma'am. I can look

7 it up.

8 MS. KING: Madam Chair, I would like to request

9 that staff brief us on that, either in writing or before we

10 make any decision in this case.

11 CHAIRPERSON REID: Mr. Hart. Let's put it

12 aside. I can't see -- and would you please ask her to see

13 that so that we do get that information.

14 MR. HART: Sure.

15 MS. KING: If we could have copies of the

16 appropriate section that impacts this.

17 MR. FEOLA: Sure. We would be happy to provide

18 it for the record. That might be easier.

19 MR. HOOD: Madam Chair, may I just ask Ms. King

20 a question? Ms. King, you are referring to the comprehensive

21 plan?

22 MS. KING: Yes. Sharon Ambrose in her letter

23 says that she got an amendment to the comprehensive plan. My

24 question is -- well, you heard what Mr. Feola said about the

25 Zoning Commission having to act before it became utterly

26 official.

1 MR. HOOD: Right. He is correct on that.

2 MS. KING: But my question is not withstanding
3 that you all haven't done anything yet, if you do follow the
4 recommendations, is it going to impact this specific piece of
5 property? Because if it doesn't, you know there is a very
6 different --

7 MR. HOOD: That was one of the questions I had,
8 Ms. King. If I could just clarify that.

9 MS. KING: Yes, please.

10 MR. HOOD: I was informed that the
11 comprehensive plan, as Mr. Feola has said, is basically a
12 guide. It is not necessarily saying that the Zoning
13 Commission has to make zoning changes specifically. That is
14 what they would like for us -- that is the guide for us to
15 kind of stay and to adhere to.

16 MS. KING: Right.

17 MR. HOOD: If that brings any more
18 clarification.

19 MS. KING: No, it does. But the thing is that
20 if Ms. Ambrose got that specific piece recommended for
21 rezoning that would make this kind of development utterly
22 impossible, I would like to know it. Notwithstanding that we
23 are now dealing with -- we have to deal with what exists now.
24 I still would be -- it is a matter of academic interest to
25 know whether Mrs. Ambrose specifically targeted that piece of
26 property or not.

1 MR. FEOLA: I would be happy to get that.

2 MR. HOOD: It would also take the Office of
3 Planning some time.

4 MS. KING: No, I understand. I mean we have to
5 deal with what is now. But it is of academic interest to me
6 to know if the elected officials in this town have set a
7 policy that that piece of property should or should not be
8 permitted to be developed for multi-family housing.

9 MR. FEOLA: And just not to belabor the point, I
10 think that is an excellent request and we can provide that for
11 you. I don't believe there is a particular provision, but we
12 will research it.

13 MS. KING: It would be very helpful.

14 MR. FEOLA: The other thing I would like to say
15 on behalf of the applicant, though, is that there are
16 provisions in the land use element of the comprehensive plan,
17 the land use map element of the comprehensive plan, that were
18 established in 1984 that haven't been adopted by the Zoning
19 Commission, either by lack of prosecution of those changes or
20 in some cases actual rejection. So the Zoning Commission is
21 very protective of its role as an independent agency.

22 MS. KING: Even if everything was running on
23 greased wheels, we would still be dealing today with what is
24 the law today.

25 MR. FEOLA: I understand.

26 MS. KING: You know. But I just -- just to

1 complete the picture for us, I would like to know.

2 MR. FEOLA: We will be happy to provide that.

3 CHAIRPERSON REID: Let me ask a rhetorical
4 question. Given the concern in regard to the density of
5 this development, is there a possibility of looking at
6 scenarios whereby you would get to a number wherein it would
7 be a reduction of the apartment units and an increase in the
8 single family homes, maybe to include townhouses or a
9 combination -- mixed housing, where it would still be
10 economically feasible but cause less consternation within the
11 community and within the other powers that be here in the
12 city?

13 MR. KNAPP: Ma'am, I point out that the
14 property allows about 800 units of development. We are only
15 doing 213. I also point out that our original intention was
16 to do multi-family on the western parcel. But because of this
17 citizen interest in single family homes, we felt we made a
18 major accommodation by dedicating this entire tract to single
19 family development, thereby reducing our apartment community
20 to only 176 units. That is a small size rental community to
21 begin with. Remember, we are having all of these services
22 such as a swimming pool, a clubhouse, a fence, and after-
23 school enrichment programs, and we can't cut it down to
24 anything below 176 units and still have it operate on an
25 economic basis as well as support the cost of this whole
26 development as well. So we feel we have already made that

1 accommodation and pushed the multi-family down to a minimum
2 size of 176 units.

3 CHAIRPERSON REID: Okay. Any other questions?

4 MS. BAILEY: Madam Chair, I have a technical
5 question. Is it okay for me to ask it?

6 CHAIRPERSON REID: Sure.

7 MS. BAILEY: Can you hear me, Ms. King?

8 MS. KING: Yes, I can, thank you.

9 CHAIRPERSON REID: State your name so that they
10 pick it up on the record.

11 MS. BAILEY: Beverly Bailing, Office of Zoning.
12 Mr. Feola, the application came in under subsections 410 and
13 2516 of the regulations.

14 MR. FEOLA: Yes, ma'am.

15 MS. BAILEY: Under section 410, that applies to
16 the gardenhouse apartments or to the apartment component?

17 MR. FEOLA: Yes.

18 MS. BAILEY: Under section 2516, that is the
19 single family component. You could have applied under another
20 section, which is 25 -- I am sorry, section 353 for new
21 residential development in the R5-A district. Why did you
22 choose to apply under 2516 rather than section 353? Is it
23 because under 2516 that allows you greater density?

24 MR. FEOLA: No, neither allow greater -- there
25 is no difference in density. The theoretical lot -- to create
26 lots that are not funding on public street, and that is in

1 this case Good Hope Road or one of the side streets, which 33
2 of the single family houses do not have, I believe you are
3 required to use 2516 as a theoretical subdivision. And that
4 requirement was put in by the Zoning Commission not too many
5 years ago as the large estates in mostly upper northwest were
6 being broken up into multi-family housing. It used to be a
7 matter of right, the theoretical lot subdivisions. And the
8 Zoning Commission changed that to require a special exception
9 before the Board. I don't believe 353 applies.

10 MS. BAILEY: Well, it has for new residential
11 development in the R5-A district.

12 MR. FEOLA: Let me look. Oh yes. It says --
13 353 says in the R5-A districts, all new residential
14 developments except those comprising one family detached,
15 which is what we have, can do this. But then if you read
16 2516, you can have a theoretical lot that doesn't have public
17 frontage.

18 MS. BAILEY: Okay. So the theoretical
19 provision is what kicks in and what pushes you to --

20 MR. FEOLA: Right. If these were public
21 streets, you are correct, and we had all the required lot
22 occupancy like we do, we wouldn't have
23 to --

24 MS. BAILEY: So will new lots of record be
25 created?

26 MR. FEOLA: What will happen is the entire

1 single family property will be subdivided into a single lot of
2 record, one recorded lot in the surveyor's office. And then
3 there will be theoretical lots approved by the zoning
4 administrator, subject to this Board's approval, on these laws
5 of the individual lots.

6 MS. BAILEY: Approved by the zoning
7 administrator?

8 MR. FEOLA: After this Board acts or doesn't
9 act. I mean, this Board has to approve it first.

10 MS. BAILEY: Approved by the surveyors?

11 MR. FEOLA: No. By the zoning administrator.
12 And it is consistent with what has been done at the Cloisters,
13 Foxhall Crescents, Hillandale development on Reservoir Road
14 and a whole series of other subdivisions that happened that
15 are considered theoretical subdivisions. I mean, for example,
16 the Hillandale development on Reservoir Road is a 42-acre site
17 and one record lot covers the whole property, 200 and some
18 units.

19 MR. GILREATH: Madam Chair, I would like to
20 just get a little consideration. If we get in the position of
21 saying over in southeast we understand there is this apartment
22 problem and we say that only single family housing can be
23 developed in the area henceforth, we are in effect saying that
24 --

25 MS. KING: We can't do that. That is for the
26 Zoning Commission.

1 MR. GILREATH: Okay. But we would say that for
2 people who cannot afford \$200,000.00 homes, the rental
3 available economically will have to go elsewhere, which means
4 they will be going to Prince George's County. Certainly we
5 have to show merit to this, but to simply say that any project
6 has got to be -- to exist in the future, it has got to be
7 single family, we are in effect saying that the people who
8 can't afford single housing but rental, they are going to have
9 to go elsewhere. Which means to my mind we are pushing them
10 over into Prince George's County. That is just a broader
11 consideration we need to at least give some weight to as we
12 evaluate this.

13 CHAIRPERSON REID: Is that a question for them?

14 MR. GILREATH: No, it is just a rhetorical
15 statement on my part.

16 CHAIRPERSON REID: Okay.

17 MS. KING: The applicants are very happy to
18 hear you speak, Mr. Gilreath.

19 MR. GILREATH: Well, when I look at this, I am
20 looking at it from the point of view of good judgment, whether
21 it supports him or not.

22 MS. KING: I understand what you are saying.

23 MR. GILREATH: It is a judgmental matter on my
24 part.

25 MS. KING: Okay.

26 MR. FEOLA: Just one last point on Mrs.

1 Ambrose's letter, and that is the portion of this property
2 that is before you today that is in her ward and most closely
3 associated with Fairlawn is being developed as single family
4 detached housing. The portion that is being developed as
5 multi-family is in Ward 8, in ANC 8-B, which has shown no
6 opposition. So I just point that out.

7 MS. KING: No, I understand.

8 CHAIRPERSON REID: All right. We would like to
9 take a 10-minute recess and return at 3:30.

10 MR. FEOLA: Thank you very much.

11 (Whereupon, at 3:14 p.m. off the record until
12 3:27 p.m.)

13 CHAIRPERSON REID: The hearing will please come
14 back to order. The hearing will now come back to order, thank
15 you. All right. Has the representative from the ANC come in
16 yet for this case? ANC 8-B or 6C?

17 MS. KING: Mr. Jones or Reverend Jones is not
18 here? Okay. Now we will have cross examination.

19 MS. KING: Reverence Johnson.

20 CHAIRPERSON REID: Mrs. Jones -- I am sorry,
21 ma'am. Ma'am, can you come forward? Yes, you, please. I
22 just wanted to ask you, I see you raising your hand. Are you
23 here to testify?

24 MS. THOMAS: I am here as a concerned citizen
25 from 8-B.

26 CHAIRPERSON REID: To testify?

1 MS. THOMAS: Yes.

2 CHAIRPERSON REID: Give your name, please.

3 MS. THOMAS: I am Hattie R. Thomas.

4 CHAIRPERSON REID: And your address?

5 MS. THOMAS: I live at 2365 Good Hope Road,
6 apartment 2106, adjacent to the property that they want to
7 build apartments on.

8 CHAIRPERSON REID: Okay. So are you going to
9 testify in opposition to it?

10 MS. THOMAS: Yes.

11 CHAIRPERSON REID: Okay. Well, right now is
12 the cross examination time. So --

13 MS. THOMAS: Just let me know when I am
14 supposed to speak.

15 CHAIRPERSON REID: Yes. You won't be able to
16 ask any questions.

17 MS. KING: Mrs. Jones --

18 MS. THOMAS: I just have a pertinent point to
19 what they are saying. I want to make sure that the zoning
20 people know about it.

21 CHAIRPERSON REID: Okay. Mrs. Jones is the one
22 who is going to be asking the questions.

23 MS. THOMAS: Okay.

24 CHAIRPERSON REID: You don't have party status,
25 so I would suggest that if you do have a question, you can
26 give it through Mrs. Jones, because she has party status.

1 MS. THOMAS: All right.

2 CHAIRPERSON REID: Okay.

3 MS. JONES: I just have a few quick questions
4 for Mr. Knapp.

5 CHAIRPERSON REID: Give your name.

6 MS. JONES: Oh, my name. Thelma E. Jones, 2217
7 T Place, S.E., Washington, D.C. 20020. I would like to know
8 when you made your presentation to the Fairlawn Citizens
9 Association, why weren't we shown some of these slides that
10 you showed here today at this hearing?

11 MR. KNAPP: There is no particular reason other
12 than that I thought I would just keep the presentation
13 relatively informal as opposed to a BZA hearing, where I felt
14 a more formal presentation was in order. That is really the
15 only reason.

16 MS. JONES: My second question was how did you
17 all get from 33 homes to 37?

18 MR. KNAPP: We -- I think consistently we have
19 always had 37 homes. The confusion has to do with the fact
20 that 33 of those happen to be theoretical lots, while the
21 additional 4 are record lots. So within the 37, there is just
22 this artificial distinction between a theoretical lot, which
23 is subject to the BZA approval, versus a by right record lot,
24 which already faces a public street. You see, there are four
25 houses that face the public street that don't require this BZA
26 action, and then there are 33 homes that are on a private

1 street that do require the BZA action because they are on that
2 private street. So that is why there is confusion. But all
3 along there has been approximately 37 single family homes.

4 MS. JONES: No. Because when you started out -
5 -

6 CHAIRPERSON REID: Ma'am -- Mrs. Jones?

7 MS. JONES: Just ask questions?

8 CHAIRPERSON REID: What you have to do is ask
9 questions. But pose your whatever you want in the form of a
10 question. Whatever you want to say, pose it in the form of a
11 question. Okay?

12 MS. JONES: Okay. Well, why did it -- well, I
13 can state those when I give my testimony.

14 CHAIRPERSON REID: Okay.

15 MS. JONES: From Mr. Edgecombe, do you live on
16 any of these properties that you all compose the by-laws?

17 MR. EDGECOMBE: No, ma'am.

18 MS. JONES: Well, why wasn't that left to the
19 homeowners to compose their own by-laws?

20 MR. EDGECOMBE: Typically in single family
21 subdivisions, the developer normally has the responsibility
22 prior to leaving the site to develop the homeowner's
23 association set of laws. Now the homeowners themselves do
24 have an opportunity to participate in that process. But
25 traditionally, the homeowners are far more comfortable to have
26 the developer do it prior to the developer leaving the site.

1 MS. JONES: Okay. Well, in doing this
2 construction -- you are the construction -- has any things
3 been given towards the disability people moving into any of
4 these apartments or houses? Because I didn't see anything
5 mentioned about wheelchair ramps or things like that.

6 MR. EDGECOMBE: I will speak to the single
7 family. On the single family, we have houses that you can
8 gain access to. However, we do not have specific houses that
9 are -- where the whole house is for the disabled. Dick, do
10 you want to speak to the apartments?

11 CHAIRPERSON REID: I think that she is
12 referring to just the accessibility -- ADA accessibility.

13 MS. KING: Of the whole project.

14 CHAIRPERSON REID: Of the project.

15 MR. EDGECOMBE: Right. Yes, we do have ADA
16 accessibility to some of the houses, not all the houses.

17 CHAIRPERSON REID: We are worried about the
18 apartments.

19 MR. KNAPP: Ms. Jones, for the rental
20 apartments, I assure you we are in full compliance of the fair
21 housing laws and the ADA laws, which require accessibility of
22 the ground floor units for handicapped persons as well as
23 accessibility of all public spaces. Out of the 176 units, we
24 have 48 units which meet the full ADA requirements. So we are
25 under full compliance with the Fair Housing and the ADA laws.
26 That is something we take very seriously and put a lot of work

1 into. We do have here in this room true experts in this field
2 who can testify if required.

3 MS. JONES: And how do you assume that you are
4 going to have adequate parking for the tenants in the
5 apartments where they will only have one parking space? And
6 also when the visitors come, where are they going to park?
7 Because they will be having out-of-town visitors. And if you
8 are building two bedrooms and three bedrooms and they have to
9 put people up over night, these people have to have somewhere
10 to park.

11 MR. KNAPP: Yes. Ms. Jones, we spent a lot of
12 time using the traffic consultant to study the parking
13 requirements for a property. We surveyed comparable
14 properties and found that the parking ratio was .75 spots per
15 apartment. We have increased that up to one spot per unit,
16 which also complies with the zoning. But it also complies
17 with what we think is the market, so it creates an extra
18 cushion of extra spaces for those people that want to visit.
19 So we have six visitor spots and then we have a cushion of an
20 extra .25 spots per unit for visitation. We don't think we
21 are going to have any trouble with accommodating parking,
22 including both our customers as well as visitors.

23 MS. JONES: My next question is --

24 CHAIRPERSON REID: Mrs. Jones, speak so that it
25 is recorded.

26 MS. JONES: My next question is where your

1 apartments abut Skyland, is that a fence? I don't see a
2 street back there.

3 MR. KNAPP: Yes, Ms. Jones. That is an
4 existing fence. The slides I showed showed the Skyland fence
5 that runs along the perimeter there of our property. And we
6 will be involved in probably -- we may have to enhance that
7 fence to help with some improvements to it and some
8 maintenance to it on a shared basis with the William C. Smith
9 Company. Because that becomes a joint fence that has to be
10 maintained for the two properties.

11 MS. JONES: Are those doors on that side that
12 is facing the fence?

13 MR. KNAPP: Yes. Those are breezeway entrances
14 right there, but they have a sidewalk so that residents can
15 walk on the sidewalk from their parking lot along a sidewalk
16 into the breezeway.

17 MS. JONES: How will the fire department be
18 able to reach the other side of that in case of an emergency?
19 The ambulance and rescue squad and emergency vehicles get back
20 there?

21 MR. KNAPP: Would the engineer like to -- John
22 L., why don't you address the emergency access.

23 MR. LUTOSTANSKI: The emergency access is going
24 to be --

25 CHAIRPERSON REID: Give your name, please?

26 MR. LUTOSTANSKI: Sure, John Lutostanski. The

1 emergency access would be both from the entrance on Good Hope
2 Road and from Wagner Street. We have made the radiuses --

3 CHAIRPERSON REID: Excuse me, can you use the
4 light that demonstrates what you are referring to?

5 MR. LUTOSTANSKI: In laying out the radiuses of
6 the roads, there is a minimum that is required, between 43 and
7 45-foot radius for a large fire truck to turn. Smaller
8 radiuses are required for ambulances and such. We have looked
9 at softening up these radiuses to make sure fire trucks can
10 turn into this whole thing. It is hard to tell from this
11 sketch, but we softened up the radius at this point, that
12 point, that point and that point so that fire trucks can come
13 in back this way and they would gain access to the building
14 along this way. The buildings are only -- that happens to be
15 a three-story building, which is not more than 40-feet in
16 height, so they could have ladders right up against the side
17 of the building pretty easily from that point.

18 MS. JONES: But I mean on the rear of those
19 buildings. That is what I am speaking of.

20 MR. LUTOSTANSKI: Right there you mean?

21 MS. JONES: Right down there where that fence -
22 - where it abuts up against that fence.

23 MR. LUTOSTANSKI: Not every face has to have
24 complete accessibility for a fire truck as long as certain
25 portions of the building are. It is a function of the height
26 of the building. So if the building isn't that high, the fire

1 department doesn't require complete access all around the
2 building. And you will find many apartments don't have
3 complete access all around them.

4 MS. KING: Could I ask a question?

5 MR. LUTOSTANSKI: Also, one other quick point.
6 The complete apartment units will be fully sprinklered as
7 well. So that helps a lot. It is also part of the code. The
8 fire department looks at several items -- accessibility, is
9 the building sprinklered, and the height of the building. And
10 as long as we meet those certain conditions, they grant the
11 acceptance.

12 MS. KING: Is the only entrance and egress from
13 Good Hope Road? Or you keep talking about Wagner Street.

14 MR. LUTOSTANSKI: Right there -- right now
15 today Wagner Street is actually barricaded off. That would
16 actually come down and this is planned to have a circulation
17 loop right through that way.

18 MS. KING: Oh, I see. So you could enter from
19 Wagner Street or you could enter from Good Hope Road?

20 MR. LUTOSTANSKI: We are looking at the
21 entrance being -- the front door, if you will, is at Good Hope
22 Road. But there will be a gate similar to what Mr. Knapp
23 described along here and over here as well. So people can
24 flow right from this way out to that way if they wanted to.

25 MS. KING: But can they come in that way or
26 not?

1 MR. LUTOSTANSKI: Residents only with a flash
2 card or something like that.

3 MS. JONES: What about the emergency vehicles?

4 MR. LUTOSTANSKI: Emergency vehicles have
5 several different -- that is very good. Emergency vehicles
6 have several different systems you can use. They could have
7 either enunciators that are based on the frequency of the
8 sirens. Also, they have different kinds of panic bars and
9 different types of mechanisms that allow the emergency
10 vehicles to come in that way. But what we were looking at
11 doing is specifically limiting service vehicles and outside
12 traffic from coming in that way. Service vehicles -- we want
13 to have service vehicles enter and be controlled, if you will,
14 at a main point coming in this way. But residents clearly can
15 come in and absolutely emergency vehicles can come in through
16 the back. It is not uncommon at all to have that.

17 MS. JONES: My next question is in this
18 application it says all front entrances shall abut. Is that
19 considered a front court or a front yard? What do you
20 consider that because there is no street? I don't see a
21 sidewalk. So if that is the front entrance --

22 MR. LUTOSTANSKI: Specifically in order to meet
23 Fair Housing and Americans With Disability Acts, we are
24 looking -- you have to provide an equal means of entrance to
25 buildings, front doors that is to say. So this building right
26 here, really the front of that building would be considered

1 along this face right here, and there will be -- it is hard to
2 see, but there is a sidewalk there. That doesn't exceed 5
3 percent in grade. The maximum without a handrail is 5
4 percent. So we keep that sidewalk to a lower slope than at
5 the front. And actually what you have is a sidewalk here, a
6 sidewalk here and then a sidewalk in the front as well. So
7 there is really access along -- between each of those three
8 points. This is the front. This is the sidewalk along here.
9 And this situation is really what is coming up along Skyland
10 right back over there.

11 MS. JONES: Okay. Well, have you all taken
12 into consideration about senior citizens renting or what will
13 you do about them?

14 MR. KNAPP: Ma'am, our doors are open to
15 everybody. By law we can't discriminate based on age or
16 familial status. So seniors, just as families, singles,
17 married people or whatever will have -- will be fully invited
18 into our community. We will market actively to them just as
19 we will market actively to every other lifestyle type.

20 CHAIRPERSON REID: I think -- Mrs. Jones, are
21 you trying to determine if there is any special concessions or
22 consideration given to senior citizens?

23 MS. JONES: Because with the rent that they
24 have stated, they charge -- you see, they have started out
25 with one basic rent when they made their presentation.

26 CHAIRPERSON REID: I understand that. Just yes

1 or no. Is that what you are trying to find out?

2 MS. JONES: I am trying to find out will any of
3 these units be accessible for senior citizens at a reduced
4 rate.

5 MR. KNAPP: No. The laws do not allow us to
6 discriminate against elderly and provide any special
7 incentives for elderly.

8 MS. JONES: Well, the next question is how did
9 you increase the rental price on your units or when did you
10 increase it?

11 MR. KNAPP: Ma'am, we have done an extensive
12 market study, which I am glad to provide to you at this
13 meeting. I don't think the rents change radically from what I
14 discussed with you at my initial meeting. But the current
15 rents are a two bedroom/two bath for \$750.00 and a three-
16 bedroom/two bath for \$850.00, and I think that is about the
17 range which I previously described.

18 MS. JONES: No. This printout is what you gave
19 us at our meeting.

20 MR. KNAPP: Yes, ma'am. When I met with you,
21 it was January --

22 MS. JONES: January 19th.

23 MR. KNAPP: Right. It was in the earlier stage
24 of the predevelopment process. Since then, we have done
25 extensive traffic studies, engineering studies, soil
26 investigations and things change. But generally what I told

1 you is accurate at the meeting that we were going to provide
2 upscale, quality, luxury apartments.

3 CHAIRPERSON REID: What was that? Mrs. Jones,
4 you are holding up a paper. What does it say about the rents?

5 MS. JONES: Oh, it says development, 176 units
6 consisting of 40 two bedrooms, 925 square feet, for \$725.00.
7 76 two bedrooms/two baths, 1010 square feet, at \$750.00.
8 Sixty three bedrooms/two baths, 1175 square feet at \$850.00.

9 MR. KNAPP: Ms. Jones, that is exactly what I
10 stated. Okay, \$725.00, \$750.00 and \$850.00. So that the
11 rents have remained consistent.

12 MS. JONES: I think when you gave your
13 testimony, you said the two bedrooms would start at \$750.00.

14 CHAIRPERSON REID: He did.

15 MR. KNAPP: Ma'am, I generalized.

16 MS. JONES: I wrote it down.

17 MR. KNAPP: There are some -- I also mentioned
18 that there is a subcomponent of the two bedrooms, a smaller
19 two bedroom that starts at \$725.00. I am sorry, I may have
20 over-generalized by saying \$750.00.

21 CHAIRPERSON REID: That is not the
22 understanding we had either. I am glad that that was brought
23 out in the cross examination. Do you have a question, Mr.
24 Hood?

25 MR. HOOD: That was my question too about the
26 pricing. And I am just wondering if the longer you talk about

1 it, it seems like the prices keep going up. For me with those
2 situations, and I just wanted to know if Ms. Jones had a copy
3 of that.

4 MS. JONES: Yes, I can -- you all can have this
5 because I have other copies.

6 MR. HOOD: Madam Chair, could we get that in
7 the record?

8 MS. JONES: This is the end of my questioning.

9 MS. KING: Thank you.

10 MS. JONES: And thank you all for listening.

11 CHAIRPERSON REID: Okay. Well, let me ask a
12 question. Do you have a scale for the increases already
13 established?

14 MR. KNAPP: No, ma'am.

15 CHAIRPERSON REID: In other words, so much
16 percentage per year?

17 MR. KNAPP: No, ma'am, it is set by market.
18 The market will dictate the rental escalations.

19 CHAIRPERSON REID: You could -- that could be
20 done like that. And another approach would be to set a scale
21 as to percentage of increase per year over time. That can be
22 done any number of ways. That is another thing. The other
23 thing in regard to the questions about senior citizens
24 discount, did I understand you to say that the law would not
25 allow you to offer a discount to seniors?

26 MR. KNAPP: That is correct.

1 CHAIRPERSON REID: What law is that?

2 MR. KNAPP: Fair Housing, which prohibits
3 discrimination based on age or familial status.

4 CHAIRPERSON REID: Just a moment. Okay, well I
5 just have never heard of a situation where a business owner
6 could not offer a senior citizen discount if they so desired.
7 I guess I would have to check that to see what law --

8 MR. KNAPP: Yes.

9 CHAIRPERSON REID: I mean see how the Fair
10 Housing Law factors into this equation.

11 MS. KING: Maybe Mr. Feola could supply that
12 together with the information about the comprehensive plan.

13 CHAIRPERSON REID: Could you -- okay.

14 MR. KNAPP: There are age restricted
15 communities where 100 percent of the community is age-
16 restricted, but that is not our situation. This will be a
17 general occupancy apartment community, and by law we cannot
18 discriminate based on age, familial status and race obviously.

19 MR. HOOD: I don't think you understand --
20 either he is not understanding or I am not understanding. I
21 think the question is -- you are saying that there is a law
22 under the Fair Housing Act, which I am familiar with, that
23 states that you cannot offer some type of break to seniors.

24 MR. KNAPP: That is correct. The
25 discrimination goes the other way. Then the discrimination is
26 against the people who aren't aged, if you will. The

1 discrimination is that you and I -- well, maybe not me anymore
2 -- wouldn't be able to participate in that reduction. The
3 discrimination would be against the people that aren't
4 elderly.

5 MR. HOOD: Well, under the Fair Housing Act,
6 isn't there something where you have to also make something
7 affordable to low income?

8 MR. KNAPP: No.

9 MR. HOOD: Okay. But you will supply us with
10 that?

11 MR. KNAPP: Yes, sir.

12 CHAIRPERSON REID: Okay. Now government
13 report?

14 MS. KING: Yes, Madam Chair, we have a report
15 from the Department of Housing and Community Development,
16 which we have all received in our packet.

17 CHAIRPERSON REID: Mr. Montiele?

18 MS. KING: Yes, Richard Montiele, Director of
19 DHCD, who recommends approval. We also have a letter that I
20 referred to earlier from council member Sharon Ambrose, who
21 has written in support of the position of the citizens of the
22 Fairlawn community.

23 CHAIRPERSON REID: Okay. ANC report?

24 MS. KING: We have a letter from ANC 8-B, which
25 says in essence that they would like some assurance from KSI
26 that they will manage the properties, and I presume the

1 inference is that they will manage them well for at least 25
2 years or more. The letter does not indicate that this was at
3 a publicized meeting or that there was a --

4 CHAIRPERSON REID: A quorum?

5 MS. KING: A quorum present. So I guess we
6 aren't required to give it great weight, but nevertheless, it
7 is here in the record. We have a fax from Reverend Oliver
8 Johnson from ANC -- that ANC was 8-B -- from 6-C saying that
9 he will be here and appear as a party, but Reverend Johnson is
10 not here, is that correct?

11 CHAIRPERSON REID: He doesn't appear to be
12 here.

13 MS. KING: So that is it with the ANC's and the
14 government reports unless somebody has anything else.

15 CHAIRPERSON REID: Okay. Thank you very much.
16 We are going to now move to persons and parties in support of
17 the application. Please come forward. One -- there is only
18 one person? Okay.

19 MR. BELL: Is everyone in here who intends to
20 testify -- I mean, has everyone in here who intends to testify
21 been sworn? Okay.

22 MR. BELL: Good evening, Madam Chairperson and
23 ladies and gentlemen. My name is Anthony Bell. I am a native
24 Washingtonian and a retired D.C. police sergeant. I served
25 the District for 23 years, 4 months and 15 days. I currently
26 own and operate a fitness center in southeast inside the

1 Marlbury Plaza Apartments located at 2300 Good Hope Road, S.E.

2 MR. HART: Give your home address, please?

3 MR. BELL: I beg your pardon?

4 MR. HART: Your home address.

5 MR. BELL: 2624 Afton Street, Temple Hills,

6 Maryland. My last years on the police department were served

7 in the youth division as assistant director of police boys and

8 girls clubs. When I first took over that position, I wondered

9 what a sergeant did in the youth division. I wondered how in

10 the world I would have an impact on crime assigned to the

11 youth division. I was in charge of 10 boys and girls clubs

12 throughout D.C. as well as director of the police boys and

13 girls club summer camps. We fielded many football, baseball

14 and basketball teams of all ages in each area and caused them

15 to compete. Here is what I didn't understand at first. In

16 order to play on these teams, a child would have to have

17 integrity, character, strength, a sense of fair play, respect,

18 and get good grades in school as well. These traits taught

19 them how to be good citizens, to respect themselves, their

20 parents, teachers and each other. Far too often, developers

21 come in and build and build without any plans for the

22 community's well being. Having attended several meetings

23 through the AEDC, I had the opportunity to sit down and listen

24 to this developer's plans and confess I found them quite

25 refreshing. They have plans for safety and security of its

26 residents, after-school activities for the children, and

1 health and fitness for all. They had addressed crime safety,
2 fire safety, recreation and education in my opinion.

3 As such, I feel that this innovative approach
4 is worthy of support. These children that are going to be
5 living in these communities are going to hang somewhere, why
6 not encourage them to hang in a wholesome environment with the
7 proper positive role models. Thank you.

8 MR. HOOD: What meeting did you attend?

9 MR. BELL: The one on Martin Luther King Avenue
10 in D.C.

11 MR. HOOD: Was it a civic association? What
12 meeting? I didn't catch that. An ANC meeting or a civic
13 association meeting?

14 MR. BELL: I don't know. The AEDC sent flyers
15 around and invited all the businessmen in the area.

16 MS. KING: The Anacostia Economic Development
17 Company or whatever. You know, Arrington Dixon --

18 MR. HOOD: Arrington. Okay. Thank you.

19 MR. BELL: It is Butch --

20 MS. KING: Oh, Butch Hopkins.

21 MR. BELL: Butch Hopkins, yes. And Albert
22 Hopkins, yes. I was invited down by his office.

23 CHAIRPERSON REID: Mr. Bell?

24 MR. BELL: Yes, ma'am.

25 CHAIRPERSON REID: Let me ask you a question.
26 When you refer to the children being exposed to a wholesome

1 environment, elaborate on that.

2 MR. BELL: They are talking about having a
3 swimming pool and they are talking about having a recreation
4 center. They are talking about having educational facilities
5 there and after-school activities for the children. Many
6 times that is when children get into trouble, directly after
7 school and before their parents get home. If there is some
8 type of facility that is properly supervised for them to be in
9 doing constructive things -- as a matter of fact, when I was
10 running the boys and girls clubs, one of the things that we
11 were big on is when the kids come in, we would sit them down
12 and say, look, do your homework. And around report time,
13 every kid who was playing for boys and girls clubs came to
14 show us their report cards. Because if they didn't get good
15 grades, we sat them down and we counseled them then and we
16 brought the parents in and counseled them at that time too.
17 If these goals can be achieved in any type of community, I
18 think it would be for the betterment of the citizens not only
19 in the community but surrounding the community also.

20 CHAIRPERSON REID: Okay. Thank you. Persons
21 or parties in opposition to the application come forward.

22 MS. KING: Starting with Mrs. Jones?

23 CHAIRPERSON REID: Sure. Come up four at a
24 time, please. Four at a time.

25 MS. JONES: Ms. Reid, did you say just parties
26 or persons and parties?

1 CHAIRPERSON REID: Oh, I did. I am sorry. I
2 said persons in support. However, I forgot that you are a
3 party. However, you can sit there. Mrs. Jones is a party who
4 has been afforded additional time to give her testimony. And
5 then individuals have three minutes. Mrs. Jones says she
6 needs 5 or 6 minutes.

7 MS. KING: Mrs. Jones, did you say you have
8 copies of your testimony for us?

9 MS. JONES: Oh, yes.

10 MS. KING: I wonder if you --

11 MS. JOHNS GRAY: I represent a civic
12 association. I sent the letter in almost two months ago.

13 MS. KING: What is your name?

14 MS. JOHNS GRAY: Frederick Douglas Community
15 Improvement Council.

16 MS. KING: Yes, we have a fax.

17 CHAIRPERSON REID: You asked for party status?
18 Did you request party status?

19 MS. JOHNS GRAY: No, I didn't. I just requested
20 to testify.

21 CHAIRPERSON REID: All right. Well, you will
22 be given the opportunity to testify. Are you saying that you
23 want to testify as a representative of the Frederick Douglas
24 Community Association?

25 MS. JOHNS GRAY: I am testifying on behalf of
26 the civic association.

1 MS. KING: The Community Improvement Council?

2 MS. JOHNS GRAY: Yes.

3 MS. KING: Okay. This fax that we received on
4 the 26th of March just says that homeowners -- please register
5 our civic association, which will present testimony, and you
6 are free to do so.

7 CHAIRPERSON REID: All right. Ms. Jones?

8 MS. JONES: Good afternoon. My name is Thelma
9 E. Jones. My address is 2217 T Place, S.E., Washington, D.C.
10 20020. I am here today to testify in two capacities. One as
11 a resident who received a notice of this hearing from the
12 Board of Zoning Adjustment, and two, as president of the
13 Fairlawn Citizens Association, Inc. In both capacities, I
14 will be reiterating my and the residents and this community's
15 opposition to docket no. 16457, filed by Mr. Phil Feola for
16 the owner of property Kass Management, L.L.C., 1568 Springhill
17 Road, Suite 400, McLean, Virginia 22012.

18 By the way, the residents of the 2200 block of
19 Good Hope Road did not receive notices of this hearing, and I
20 do have a copy of the people that were sent notices and the
21 people that live directly across from where they posted their
22 hearing notice on the tree on public space, those people in
23 the 2200 block of Good Hope Road did not receive any hearing
24 notices.

25 First I would like to request documentation I
26 use in my testimony before the Board of Zoning Adjustment

1 Commission today be entered into the record as part of my
2 testimony. As a resident of the Fairlawn community and
3 serving as the president of the Fairlawn Citizens Association,
4 I had the opportunity to talk to Mr. Richard Knapp, senior
5 vice president for KSI Management Corporation several times.
6 On one of these occasions, Mr. Knapp made a request to me to
7 make a presentation to the Fairlawn community on the proposed
8 development of the site on Good Hope Road, S.E., of 33 single
9 family detached dwellings and 176 garden apartments in Square
10 5735, parcels 211/96, 220/31, and Lot 804, Square 5763 and
11 parcel 219-38.

12 Mr. Knapp was invited to attend Fairlawn
13 Citizens Association regular monthly meeting held on January
14 19, 1999, where he made a presentation of the single family
15 dwellings and the marketing director, Melanie Russell, made
16 the presentation of the apartment buildings. The communities
17 response was total rejection of any more apartments being
18 constructed in our community. The question membership
19 repeatedly asked Mr. Knapp was why couldn't he build all
20 single family homes on both sites. Mr. Knapp conveyed to us
21 that it was not economically feasible for his company to build
22 all single family homes. He also stated that he would get a
23 non-profit organization to build the single family homes,
24 because he wasn't going to a government agency to help build
25 the development.

26 The residents of the Fairlawn community

1 informed Mr. Knapp that our community is already overrun with
2 apartment buildings that the owners of those apartments, which
3 are not vacant or abandoned and boarded up, are seeking
4 tenants to fill the many vacancies. Some examples are the
5 Skyland Apartments, which abuts the very site of this proposed
6 new development, is seeking tenants. The Altamount Apartments
7 located directly across the street also are seeking tenants,
8 as well as the Marlbury Plaza, which consists of two very
9 large apartment buildings with 670 units, an apartment which
10 is located directly behind where the proposed single family
11 homes will be built is also seeking tenants. I could go on
12 and on about the vacant apartment units in our community.

13 Needless to say, these vacant units and
14 buildings are attracting criminal activity to our
15 neighborhood. I will present some crime analysis at the end
16 of my testimony. History has shown that the luxury Marlbury
17 Plaza with the surrounding pool, kiddie play area, and tennis
18 meeting room cannot avoid having a high turnover of renters
19 moving out or getting set out. We question why wouldn't the
20 KSI luxury development with its gated entrances become another
21 transit development.

22 Developers have not given this community any
23 guarantees or safeguards against water runoff or soil erosion.
24 As of now, we have heavy rains and the soils do not carry the
25 water very well. There is water build-up of about two to four
26 feet in width at the curb at some parts of Good Hope Road.

1 There is also water that seeps up out of the Good Hope Road
2 from an underground stream near the stoplight on the south
3 side of Good Hope Road.

4 Another problem we have is the vehicular
5 traffic on Good Hope Road. It is already terrible and
6 additional traffic coming from the new development would only
7 add more travel time in trying to reach the 11th Street Bridge
8 during the morning. It is very hazardous trying to get to and
9 from work. Residents trying to get onto Good Hope Road from
10 side streets have a long wait. In addition, transportation on
11 the metro buses in the morning and evenings is very crowded
12 and the bus schedule for the other times of the day is
13 unpredictable. And quite simply put, more cars mean more
14 pollution in our neighborhood.

15 Parking in the community will be greatly
16 affected, because we already have people living in the many
17 existing apartments parking on our streets as well as on the
18 south side of Good Hope Road. The parking spaces on Good Hope
19 Road will be reduced because of the proposed streets that will
20 be built into the development. The lack of adequate apartment
21 parking for the residents and visitors will create more
22 spillover onto our streets.

23 The shopping center at Good Hope Marketplace is
24 used by residents of Wards 6, 7 and 8. The Safeway at the
25 shopping center cannot afford the impact of the additional
26 people that this development would bring. We cannot find a

1 parking space now at the shopping center, and the Safeway most
2 always has long checkout lines and often runs out of supplies.
3 I have talked with Ward 8 planner Vanessa Atkins about this
4 situation. She says that she has shopped there and what she
5 wants is often not on the shelves.

6 The Ketcham Elementary School cannot
7 accommodate too many more elementary school age children
8 according to the school superintendent's budget request for
9 physical year ending September 30, 2000. The projected
10 enrollment is 526 without additional residents. The building
11 capacity at Ketcham is 752 and program capacity is 604. This
12 information was provided by Ward 6 school board member
13 Benjamin Barnum, and I will be presenting that at the end of
14 my testimony.

15 This community has been waiting for over 25
16 years for a development of the commercial area on the lower
17 end of Good Hope Road and Martin Luther King, Jr. Avenue.
18 Without development of businesses in the community, we cannot
19 afford development of 176 apartment units. With the mayor
20 advocating economic development, I do not see this as economic
21 development for this community. Mr. Knapp is doing economic
22 development in Bethesda, Maryland with assistance from the
23 government. Why is it he cannot do it in Washington, D.C. and
24 build only single family homes on that entire site.

25 In closing, we the members of the Fairlawn
26 Citizen Association representing our community, we are aware

1 of the need for more housing in Washington, D.C. We are not
2 naive enough to believe that development will not happen. All
3 we ask for is a fair decision on what type of development. We
4 have many single family homes which makes this a stable
5 neighborhood. We feel that the most purposeful type of
6 planning for that land would be for single family dwellings
7 for home ownership. It is a realistic and feasible request.

8 I wish to submit for the record the attached
9 school enrollment information, a police crime report, and an
10 article from the Washington Post. Thank you for allowing me
11 to testify at this hearing.

12 And I would like to make an additional
13 statement. On the first inception of this construction, I
14 think AEDC was sent a letter asking them to participate in
15 building the lower site, which is the single family homes.
16 And in that letter, it stated that they wanted 22 homes. But
17 when they filed their application, it stated to develop 33
18 single family homes. On one Saturday in April, I attended the
19 development over at I think it is Michigan Park. I went over
20 there and they showed the site of the homes. I went over
21 there to visit -- to look at the homes. The homes were
22 constructed very well. But I was given another printout that
23 the young man that is to market these homes and he got that
24 printout, which was on a Friday, and in that they stated 41
25 homes. So I am confused at just how many homes they intend to
26 put on that theoretical site. But I don't have a copy of that

1 because one of my neighbors was supposed to make that
2 presentation, but his wife got sick and he has that
3 information. But I do have the information that the letter
4 that was sent to the AEDC about the 22 homes. This
5 information you all already have where the mailout to the
6 people in the 200 feet. Do you all have a copy of that?

7 CHAIRPERSON REID: I don't know.

8 MS. JONES: Because the people in the 200
9 block, they didn't get it. Also, in my newspaper article, it
10 is the copy that was in the Washington Post, where he is doing
11 the development in Bethesda, and he is getting monies from the
12 government. And he is renovating those buildings, and which
13 we asked him why couldn't he renovate some of those existing
14 apartments that is already vacant or boarded up in our area.
15 I had it. Where did I -- well, I won't take up too much --

16 MS. KING: While you are looking for that, Mrs.
17 Jones, with regard to the number. If this Board grants him
18 permission, he will have permission for 33 or whatever number
19 we decide, of theoretical lots. He doesn't -- in the plan he
20 has there, there are four that face on Good Hope Road for
21 which he does not need to seek our approval. He sought our
22 approval for 33 in addition to those four. So that is the
23 number now. If he wishes to add more, he would have to come
24 back to us through another hearing.

25 MS. JONES: Okay.

26 MS. KING: Or have them face an existing public

1 thoroughfare.

2 MR. HOOD: I had a question for Ms. Jones. Ms.
3 Jones?

4 MS. JONES: Yes.

5 MR. HOOD: My question is the boundaries of
6 your citizen's association. Does it cover both sites? I just
7 want to know if both sites are included.

8 MS. JONES: Okay. Our boundaries run from the
9 11th Street Bridge, along Fairlawn Avenue, over to
10 Pennsylvania Avenue, up across Minnesota to 25th Street, up
11 25th Street and goes into Naylor Road. Naylor Road then turns
12 back into 25th Street and Good Hope Road, and we come down
13 from 25th Street down the north side of Good Hope Road. All
14 of this surroundings will impact on us because we live -- I
15 live right at the Marlbury Plaza. I live on T Place. The
16 garden apartments of Marlbury Plaza, they have the little
17 steps going up to their driveway and the people from Marlbury
18 Plaza is constantly coming -- this morning I went out and
19 picked up a forty, where they sit out there at night and drink
20 and go off.

21 MR. HOOD: But, Ms. Jones --

22 MS. JONES: But getting away from that --

23 MR. HOOD: But, Ms. Jones, forgive me because
24 my orientation is a little off right now. I just wanted to
25 know if --

26 CHAIRPERSON REID: Just say yes or no, Mrs.

1 Jones. Is it or is it not the entire development within the
2 boundaries of your Fairlawn Civic Association?

3 MR. HOOD: Citizens Association.

4 CHAIRPERSON REID: Citizens Association.

5 MS. JONES: It is on the south side of Good
6 Hope Road. We are on the north side.

7 CHAIRPERSON REID: Okay. Are you saying that -
8 - you are saying the answer is no, but you are impacted
9 because of the proximity.

10 MS. JONES: The proximity to the Fairlawn area.

11 CHAIRPERSON REID: I see.

12 MS. JONES: And can I ask a question from the
13 Board? This other site that they are talking about building
14 on 22nd and T Place and he said they are going to build it
15 simultaneously along with the other site, how is that
16 connected with this and they are supposed to do this large
17 development simultaneously?

18 CHAIRPERSON REID: What is this on that paper
19 that you point out, Mrs. Jones?

20 MS. JONES: This is part 5 of their
21 application, where they are saying they are in compliance with
22 Section 410 on page 5.

23 CHAIRPERSON REID: Well, that development that
24 they are referring to has nothing to do with this case.

25 MS. JONES: That is what I am confused about
26 why they are tying it in with this.

1 CHAIRPERSON REID: Well, Mrs. Jones, that would
2 have been a question to proffer to them during the cross
3 examination because we wouldn't know. We wouldn't have that
4 answer.

5 MS. JONES: All right.

6 CHAIRPERSON REID: That was part of their
7 presentation.

8 MS. JONES: Oh, okay.

9 CHAIRPERSON REID: Mrs. Jones, let me ask you a
10 few questions. This is just to clarify for myself what I deem
11 to be conflictive testimony that occurred here today, and that
12 is in regard to the apartments in that area. On the one hand,
13 the applicant is telling us that there is a need for more
14 apartments or there is a tenant demand there for more
15 apartments. And I am seeing from your testimony submission --
16 the submission of your testimony that at this point in time,
17 there are abandoned and vacant apartment buildings.

18 MS. JONES: Yes, yes.

19 CHAIRPERSON REID: Are you saying that these
20 vacant and abandoned apartment buildings are in close
21 proximity to this site?

22 MS. JONES: Yes. Let me show you -- can I show
23 you on this map?

24 CHAIRPERSON REID: Sure.

25 MS. JONES: I mean, I can show you on this. I
26 think Ms. Gray will attest to that when she

1 -- this is 19th Street. Where V Street is -- 18th Street
2 where V Street is. When you come off of Good Hope Road into -
3 - I am confused with this map here. Okay, you turn off of
4 Good Hope Road into 19th Street and you circle around. Coming
5 off of here, you have apartments on both sides of 19th Street,
6 which I think is what he has here. On the other side of 19th
7 Street, you also have two apartment buildings here. When you
8 come around on U Street, you have another apartment building
9 sitting here. Then you come up to 18th Street and you come
10 over to V Street and there is an abandoned apartment building
11 here.

12 CHAIRPERSON REID: Are all these abandoned?

13 MS. JONES: No, these aren't. But they are
14 seeking tenants.

15 CHAIRPERSON REID: When you say seeking tenants
16 --

17 MS. JONES: Well what I am saying is that they
18 have vacancies. When I say seeking tenants, I mean there are
19 vacancies there.

20 CHAIRPERSON REID: Okay.

21 MS. JONES: And starting at Good Hope road and
22 -- right at the Mason's Funeral Home just before you get to
23 Bendle Street, you start with apartment buildings all the way
24 up Good Hope Road. When you get to 18th and Good Hope Road,
25 you have apartment buildings sitting up on the hill across
26 from the library. And they are always looking for tenants.

1 This apartment building here on Good Hope Road at 22nd Street
2 on this side of 22nd Street right next to this here, it is a
3 mound of dirt. It is an apartment building that sits back off
4 of Good Hope Road. They are always sitting people out on the
5 sidewalk. Even at the Marlbury Plaza, once a month and
6 sometimes twice a month, you go up Good Hope Road and there is
7 furniture sitting out. So this is why I can't understand why
8 he wants to build more apartments when we have apartments
9 everywhere. Even when I go down my street, my T Place turns
10 into T Street after you cross 18th Street, and there are
11 apartments on the south side of 18th Street and then going
12 down T Street into the 1700 block, you have got apartments.
13 One apartment is -- the people just hang out on both sides in
14 the apartments. And then you have the abandoned one -- and I
15 talked with DPW about they boarded up the bottom windows but
16 the kids have broken out all of the top windows. I have
17 voiced my concern to DPW and Consumer Regulatory Affairs about
18 that and they are supposed to look into that. On U Place and
19 V Street, S.E., it is vacant apartments.

20 CHAIRPERSON REID: Mrs. Jones, in regard to
21 Marlbury Plaza that you referenced in your testimony, where is
22 that in proximity to this development?

23 MS. JONES: That is -- okay, right across the
24 street where they want to put the houses. These are the
25 houses. Where is the stoplight? That is Marlbury Plaza right
26 here.

1 CHAIRPERSON REID: Okay. Now Marlbury Plaza is
2 considered to be in your testimony a luxury apartment?

3 MS. JONES: A luxury apartment, yes.

4 CHAIRPERSON REID: All right. Then here is
5 where I am having some difficulty understanding. It is a
6 luxury apartment building right there across the street that
7 you say people are being put out -- there are evictions?

8 MS. JONES: Yes. Because you see when I first
9 moved over there, the tenants -- the clientele has changed.
10 The tenants that were in there were teachers, were
11 professional people. Some of them had been there for years.
12 Just recently, in the last five or six years -- and I think
13 they are taking what they call tenants assistance or --

14 CHAIRPERSON REID: Section 8?

15 MS. JONES: Section 8. And they are just
16 tearing the place up. And I am constantly going out. I
17 talked with Mrs. Glenn, the resident manager. They are even -
18 - in the parking lot behind the garden apartments, they are
19 conducting -- the young man is conducting himself an auto --
20 where he fixes autos.

21 CHAIRPERSON REID: Repairs?

22 MS. JONES: At the Marlbury Plaza behind the
23 garden apartments. I even talked to Mr. Knapp about that when
24 he first called me to tell me he wanted to build the
25 apartments. I told him we didn't need any more apartments
26 because of what we are experiencing already in our

1 neighborhood.

2 CHAIRPERSON REID: Marlbury Plaza -- I remember
3 a few years back, it was considered to be a very nice
4 development.

5 MS. JONES: It is a very nice development. It
6 is. The apartments are large and spacious.

7 CHAIRPERSON REID: But you are saying that in
8 recent years it has gone down?

9 MS. JONES: In recent years, yes. But now they
10 have a new owner, and he is attempting to make some upgrades
11 over there. Because I know she has enclosed the lower floor
12 patios. I spoke with Mrs. Glenn about them putting a fence up
13 there to keep them from -- those kids just run down and DPW
14 and I have had a thing about who owns what because it is on a
15 little incline when it gets to my street. The cars are coming
16 down the incline and they have scratched up my car.

17 CHAIRPERSON REID: Okay. Mrs. Jones, in regard
18 to economic development, is it my understanding that you are
19 contending that part of the problem that you are witnessing
20 occurring on Good Hope Road is attributed in part to the fact
21 that there has not been adequate amount of economic
22 development, and is that partially why you seem -- you are
23 testifying that Marlbury Plaza has gone down? Okay, answer
24 that question first.

25 MS. JONES: Yes. And I believe so because of
26 we don't have hardly any stores. They have been talking about

1 rebuilding Good Hope Road. I spoke to a gentleman that works
2 for the Department of Housing and Consumer --

3 CHAIRPERSON REID: Development?

4 MS. JONES: Development -- last week. And he
5 said that he would be calling me for some input because he has
6 been out there on Good Hope Road to try to find out from some
7 of the businesses, the few businesses that are there, what
8 would they like -- you know, how do they think that they could
9 entice other people to come over there. And as I said, up
10 there at the shopping center, if I go up there, I can't -- I
11 have to park over by the bank to walk to the post office. I
12 have gone in that Safeway at 2:00 in the evening to get a
13 quart of milk and there is no milk. And I ask the manager,
14 are you -- do you have some in the rear? Oh, no, we will get
15 some in at 2:00 in the morning. So, I mean, if we get more
16 people here, it is going to impact on what little bit --

17 CHAIRPERSON REID: Services that are there.

18 MS. JONES: Because three Wards are using that
19 one facility.

20 CHAIRPERSON REID: So, Mrs. Jones, are you
21 saying that the tenants that used to occupy Marlbury Plaza,
22 the professional, higher end people, have now moved out
23 because of the fact that the economic development has not come
24 there to support their needs and as a result of that, you have
25 had an influx of lower income people?

26 MS. JONES: Right. And one of the gentlemen

1 who used to be the tenants association president up there said
2 he was not going to pay that high end rent while these other
3 people come in and get subsidies on his tax money. And he had
4 been in that building since they built it. And Mr. Jessop --
5 him and a lot of others -- Ms. Bernice Brown, who used to work
6 for the school board. All of these people just have moved out
7 because of all of this. Who is it to say that because they
8 put a gated fence up there. Because what I find is when you
9 have a locked in development, somebody puts something in -- a
10 penny or something or a pin to keep that gate open. And also
11 in Marlbury Plaza, the lieutenant of my PSA said that is where
12 most of their crime is. They also hire D.C. government
13 policemen who I have spoken to Ms. Glenn about who is not
14 doing anything but sitting up there in that front building.

15 They are not coming out and patrolling that area. That is --

16 CHAIRPERSON REID: Most of the crime comes from
17 where?

18 MS. JONES: In the Marlbury Plaza. And it is
19 being done, they say, by a lot of the tenants that is living
20 there already.

21 CHAIRPERSON REID: Any questions?

22 MR. FEOLA: No questions.

23 CHAIRPERSON REID: Okay. Thank you very much,
24 Mrs. Jones. Next witness? I am sorry, do you want to wait,
25 Mr. Feola, until after everyone has testified and then cross
26 examine or did you want to cross examine this witness, Mrs.

1 Jones, at this time?

2 MR. FEOLA: No questions.

3 CHAIRPERSON REID: All right. You want after -

4 -

5 MR. FEOLA: We have no questions.

6 CHAIRPERSON REID: Okay. All right. Next

7 witness, please?

8 MS. KING: Excuse me, I do have a question for

9 Mrs. Jones. Mrs. Jones, does your organization contemplate

10 any circumstances under which you could sign -- negotiate and

11 sign an agreement with the developers that you would support

12 the apartment building?

13 MS. JONES: No. We have heard nothing since --

14 he did call me and thank me for inviting him to our meeting.

15 MS. KING: No. That isn't the question. Are

16 there any circumstances --

17 MS. JONES: No, no.

18 MS. KING: Thank you very much.

19 MS. JONES: Who do I give these to?

20 CHAIRPERSON REID: Staff, please.

21 MS. KING: We already have copies.

22 CHAIRPERSON REID: That is something -- she had

23 some additional attachments that we didn't have yet. Okay,

24 next witness please.

25 MS. THOMAS: My name is Hattie R. Thomas I

26 live at 2365 Good Hope Road, S.E., apartment 2106, Washington,

1 D.C. 20020. I have been living there for approximately almost
2 19 years now. I live adjacent to the field where they are
3 going to build the apartments and everything. My concern is
4 that if the Habitat for Humanity can build the houses they
5 built for people behind that area, why couldn't they build
6 some houses for people to live in. I think we need more
7 people that have permanency or resident ownership, not just
8 apartment transient. We have enough apartments in there.
9 Like she said -- like Ms. Jones said, we have enough
10 apartments in that area. We don't really need apartment
11 buildings. We need people who are able to anchor there and
12 live there, ownership. If they are going to build apartments,
13 why can't they be condominiums instead of the transient
14 apartment rental property.

15 I have also -- I noticed what they were saying
16 about the parking. I live in Skyland Apartments at Good Hope
17 Road and 24th Street, right adjacent to where they are going
18 to build. If they have 220 apartments in Skyland apartments -
19 - 220 dwellings there -- already the parking is very tight.
20 There are no extra spaces. When everybody is home, there is
21 no extra spaces in that area. I can't see them having -- like
22 they said, having one parking space per unit and they've got
23 two bedroom apartments and three bedroom apartments. I don't
24 believe that that is going to take care of the overflow. That
25 is not going to take care of the people they have. Because
26 people usually have two cars. Sometimes they have three cars

1 to a family. And that is going to be a lot of excess parking
2 on the other streets. We already have got streets already
3 packed up with cars. Where are they going to go? Where are
4 they going to park? And they already -- they must not have
5 done that study too well, because already Good Hope Road and
6 24th Street are already completely packed with cars of people
7 who already live there. So where are the cars going to go? I
8 know good and well there are going to be extra cars in that
9 development. They may be a gated community, but everybody is
10 not going to be able to park inside that community and they
11 are going to come out on the public street, which we don't
12 own, of course, but then we have nothing to say about it once
13 they take our parking spaces and we already live there first.

14 CHAIRPERSON REID: You have one more minute.
15 You have one minute.

16 MS. THOMAS: Okay. I am finished.

17 CHAIRPERSON REID: No, you have --

18 MS. THOMAS: That is all I wanted to say about
19 the parking. I don't understand what they are going to be
20 doing about the parking.

21 CHAIRPERSON REID: Are you done?

22 CHAIRPERSON REID: Yes. That is all I wanted
23 to say is two points.

24 CHAIRPERSON REID: Because you do have a
25 little bit more time.

26 MS. THOMAS: Some condos -- the people should

1 have ownership of those apartments. Some ownership of
2 apartments should be done and the parking. Those are the two
3 points I wanted to make. Those are the two points I don't get
4 quite clearly. I don't believe it is going to be really
5 right.

6 CHAIRPERSON REID: Thank you very much. I
7 think that your points are well taken. You would rather see
8 ownership --

9 MS. THOMAS: Ownership, yes.

10 CHAIRPERSON REID: Building developments there
11 as opposed to the transient apartments.

12 MS. THOMAS: Right.

13 CHAIRPERSON REID: Okay. Next?

14 MS. JOHNS GRAY: My name is Carolyn Johns Gray.
15 I live at 2009 18th Street, S.E., which is located in Ward 6.
16 I am a native Washingtonian. I have lived in Ward 6 for 23
17 years. My husband and I have lived east of the river for the
18 entire 37 years of our marriage, and we have been involved in
19 the community all of those years.

20 Mr. Knapp of KSI met with our civic association
21 and the presentation he made was not this one, but it was
22 similar to this one. The reason we were in opposition was
23 because he did not provide the information we asked for --
24 soil borings, the student impact on the schools, traffic and
25 transportation impacts, and just to totally congest the area.
26 I am not going to address the apartments. We totally support

1 the Fairlawn Civic Association and their testimony in the
2 upper part of Good Hope Road. I am going to address the
3 houses that are here in Ward 6 only.

4 We are not against them building new houses
5 there. We would much rather see six or seven houses instead
6 of 37. We have people who are leaving our community and
7 moving to Maryland and Virginia just to get yard space. As
8 soon as they move, the first thing they do is have a picnic
9 and say come on over and they talk about all the space they
10 have. I don't know why developers think we need to live like
11 crabs, one on top of another. I also don't want to see all of
12 those houses around that park and we lose that park the way
13 the city has lost Lorton Penitentiary. The park is there and
14 the park is used and we don't want them moving all those folk
15 in there saying they don't want to hear that noise and they
16 don't want those children who already live in the community to
17 be in that park playing and put pressure on the Park Service
18 to close it.

19 We are concerned about a ghetto. Because these
20 houses are going to cost \$100,000.00 does not mean that they
21 cannot become a ghetto. Everybody thought the Marlbury Plaza
22 was going to be the dream of southeast. But it has proven
23 that it is not a dream anymore. It is a nightmare. Marlbury
24 Plaza has monthly and sometimes weekly evictions. You ride up
25 Good Hope Road and you see furniture sitting out there.
26 Almost every other day somebody's furniture is on the street.

1 We are concerned about too many houses. You
2 can't really have good neighbors if there are just too many
3 people packed on top of each other. They have to realize that
4 whether it is gated or not, the people who can afford to buy
5 these houses are the well-organized pimps, prostitutes, and
6 drug dealers. We are not concerned about crackheads and drug
7 users and people who are shooting people. That is what people
8 are concentrating on. But you need to look at the more
9 sophisticated one who moves into these homes, buy them and
10 then sublet them to someone else. And we are concerned about
11 them coming in and taking over that housing development.

12 CHAIRPERSON REID: Your time -- are you just
13 about done?

14 MS. JOHNS GRAY: No. How much time did I have?

15 MS. KING: Three minutes.

16 CHAIRPERSON REID: You have three minutes.

17 MS. JOHNS GRAY: As a civic association?

18 CHAIRPERSON REID: How much more time do you
19 need?

20 MS. JOHNS GRAY: Well, I have a whole list of
21 things here that I heard here today that just disturbed me.
22 Normally we submit written testimony. But when I came here
23 and heard some of the things they said --

24 CHAIRPERSON REID: Okay. Well, just try to
25 summarize and get it done quickly, please.

26 MS. JOHNS GRAY: Our community is oversaturated

1 with vacant houses and apartments. We would like to see a
2 developer come in and maybe develop some of those houses. And
3 I am not saying it is the responsibility of the developers.
4 It is the responsibility of the government to get behind the
5 present landlords to make those places habitable. If those
6 places were habitable, we wouldn't have an onslaught of
7 developers coming in and trying to build apartments sideways,
8 slanted, one behind another, any way they can get them on a
9 lot.

10 We are also concerned that they mentioned AEDC
11 is supposed to build these homes. AEDC is facing litigation,
12 if they are not already in litigation, for substandard housing
13 in our community. We don't want to see any more substandard
14 housing.

15 CHAIRPERSON REID: Who is?

16 MS. JOHNS GRAY: Anacostia Economic Development
17 Corporation. They are either facing litigation if they are
18 not already in it for substandard housing that they built last
19 year or the year before last.

20 MS. KING: Can you provide us after today with
21 details of that?

22 MS. JOHNS GRAY: Yes.

23 MS. KING: Of your allegation against AEDC?

24 MS. JOHNS GRAY: That is not an allegation.
25 That is fact.

26 CHAIRPERSON REID: Can you --

1 MS. KING: Please supply us with information
2 about AEDC.

3 MS. JOHNS GRAY: Okay. In the area of 19th
4 Place and Good Hope Road, there has been a water problem there
5 for over 20 years that the D.C. Government has not been able
6 to correct, yet Mr. Knapp said they are going to be able to
7 correct it. We are concerned about them building houses on
8 waterlogged land, as AEDC has already done in the other case
9 that I was talking about.

10 CHAIRPERSON REID: Excuse me, what waterlogged
11 land? Are you saying that that -- are you contending that
12 that land is waterlogged?

13 MS. JOHNS GRAY: Yes. There has been a water
14 problem there.

15 CHAIRPERSON REID: All right. You said that
16 you requested soil borings from the developer?

17 MS. JOHNS GRAY: We asked -- when the developer
18 came to meet with our civic association, we asked for that.

19 CHAIRPERSON REID: And?

20 MS. JOHNS GRAY: We didn't get it.

21 CHAIRPERSON REID: Okay.

22 MS. JOHNS GRAY: We didn't get anything that we
23 asked for. Last evening, after I talked to him on the
24 telephone, he faxed something from WMATA, and what he read to
25 me from WMATA was a lie. Because I ride the bus and several
26 people in the community ride the bus. The buses are

1 congested. We don't have enough of them right now. And the
2 city is not going to put on any additional buses because they
3 brought in some additional people. We have never been able to
4 get additional buses because we got additional people.

5 MR. HOOD: Ms. Gray, can I just interrupt?
6 Madam Chair, she can have another minute.

7 CHAIRPERSON REID: Sure.

8 MR. HOOD: What civic association are you with?

9 MS. JOHNS GRAY: I am with the Frederick
10 Douglas Community Improvement Council and this Ward 6
11 community that they want to build in is within our boundaries.
12 As a matter of fact, it is right in front of my house.

13 MR. HOOD: The Ward 6 piece is within the
14 boundaries?

15 MS. JOHNS GRAY: Yes, it is within the
16 boundaries. It would be nice when the developers come that
17 they would give the community something in exchange. They
18 want us to come here and support them for them to go against
19 the laws that protect our community. And they are going to
20 give a computer class or after-school class or something to
21 their residents in those apartments or the houses. It would
22 be nice if they gave us a community recreation center so that
23 all the children could use it. It has been proven in the past
24 that when you are in a gated community or you are in a little
25 subdivision and you want to set yourself apart from the
26 existing community, you are not good neighbors and it causes a

1 lot of confusion with the children. And we don't want to see
2 that happen because we are congested with children.

3 The company wants to ignore the wishes of the
4 residents, the City Council, and the mayor. And I think that
5 if you are a good neighbor and you claim that you are coming
6 to do something to help our community, you would not be
7 ignoring the wishes of the community. We take resentment in
8 them telling us that they are bringing us some upper income
9 people or some middle income people. Many of us live in
10 Anacostia by choice, and it doesn't mean that we are poor.
11 And most of my members are a long ways from being poor. Most
12 of them own their homes and they have no say whatsoever when a
13 development comes in. For once we have a council member and a
14 mayor who wants to support our community, and we still have
15 developers coming to zoning and going to the ABC Board and
16 other places asking to skirt the laws against the community.

17 The rest of this I will just type up and send
18 it in. I apologize for not having the one that we were going
19 to use, but it meant nothing compared to what I heard in here
20 today.

21 CHAIRPERSON REID: Are you saying that your
22 testimony is not typed but you are going to submit it?

23 MS. JOHNS GRAY: No, because -- I am going to
24 submit it. What I am saying is what I heard in here today
25 just did not go with what we were going to submit.

26 CHAIRPERSON REID: Okay.

1 MS. JOHNS GRAY: So I will type this up and
2 refine it and send it. But I had some questions for Mr.
3 Knapp. Do I still get a chance to ask those?
4 MS. KING: No.
5 CHAIRPERSON REID: No.
6 MR. HOOD: She could just put those questions,
7 I believe, in her comments. Can we look at them? Because I am
8 interested in knowing what her questions are. Even though I
9 know she cannot ask Mr. Knapp. She can put them in her piece
10 that she is going to turn in.
11 CHAIRPERSON REID: Were you here when we had
12 the cross examination?
13 MS. JOHNS GRAY: No one called me forward.
14 MS. KING: Yes, but she is not a party.
15 MS. JOHNS GRAY: You know, when I called the --
16 CHAIRPERSON REID: Wait, wait, wait.
17 MS. JOHNS GRAY: When I sent that letter to --
18 CHAIRPERSON REID: Wait, wait. Let me go back.
19 Let me ask my question again. Were you here?
20 MS. JOHNS GRAY: Yes.
21 CHAIRPERSON REID: Okay. Now at that time I
22 said that if you weren't a party, then you really couldn't
23 cross examine. However, you could have your questions asked
24 through Mrs. Jones, who does have party status, since there is
25 no ANC representation in here today. And you didn't do that.
26 MS. JOHNS GRAY: Well, ma'am, I wrote a letter

1 and asked the question about this and then I called and asked
2 for the procedures and they told me just to show up.

3 CHAIRPERSON REID: You have a question in your
4 letter?

5 MS. JOHNS GRAY: They told me just to show up.
6 I asked what the procedure was for filing to testify.

7 MR. HOOD: Let me just ask, Madam Chair. Ms.
8 Gray, were you here when we first started the case? You were
9 here?

10 MS. JOHNS GRAY: Yes. I heard her say ask the
11 questions through Mrs. Jones, but I didn't even have my
12 questions composed at that time, because I thought I was going
13 to be asking them myself. And when I called here and talked
14 to the person who said to call that was on the notice from
15 zoning, they did not tell me that I had to ask for party
16 status or anything like that.

17 MS. JOHNS GRAY: You weren't really familiar
18 with the procedure?

19 MS. JOHNS GRAY: They told me just to show up.
20 Because I called her and asked her.

21 CHAIRPERSON REID: Okay. Did you say your
22 question was on this document that you submitted?

23 MS. JOHNS GRAY: I sent that in. When I didn't
24 hear -- when I didn't get an answer to that, I called. And I
25 wanted to know --

26 CHAIRPERSON REID: Oh, okay. Then let's see --

1 MS. KING: The question is why the people on
2 the 1700 block of U Street, S.E. didn't get notice? And
3 presumably it is because they are out of the 200 foot -- they
4 are more than 200 feet away from the project.

5 CHAIRPERSON REID: And the other one was that -
6 -

7 MS. KING: That is the question.

8 CHAIRPERSON REID: No, there is another
9 question.

10 MS. KING: Which is?

11 CHAIRPERSON REID: It says application 16457
12 requests a special exception under subsections 410 and 2516 to
13 allow the construction of 33 new single family. What are
14 these exceptions? Is that your question?

15 MS. JOHNS GRAY: Yes. We didn't understand what
16 they were asking for. Because they told us they had a right
17 to build there whether we objected or not. So we wanted to
18 know why they were coming to zoning if they had a right to
19 build.

20 CHAIRPERSON REID: So your question is how can
21 they come to us to ask for --

22 MS. JOHNS GRAY: No. I wanted to know what
23 were they asking for? What do you need to approve is what I
24 was asking.

25 CHAIRPERSON REID: Oh, okay. Before they can
26 build on these theoretical lots, and those are lots that they

1 are -- that are vacant right now, this is what is being
2 proposed, they have to come to the Board of Zoning Adjustment
3 for us to determine whether or not they comply with the zoning
4 regulations. And those zoning regulations are concerned with
5 things like the adverse impact, how it impacts on the
6 community. Is there any adverse impact or is it in compliance
7 with the setback regulations or the FAR regulations. In other
8 words, whatever is required under that, and I don't know it
9 off the top of my head, but whatever is required that they are
10 in compliance with the regulations and that they are not
11 imposing undue adverse impact on the community in regard to
12 noise, traffic, lights, parking and any other negative type of
13 impact that may have an effect on you.

14 MS. KING: Madam Chair, I would suggest that --

15 CHAIRPERSON REID: And, if I may, the other
16 thing is that their approval of their special exception or
17 their application does not impair the intent and integrity of
18 the zoning regulations or map. This is what they are here
19 for.

20 MS. JOHNS GRAY: Okay. Well, like I am saying,
21 I did call the staff person and ask her for the procedure,
22 whoever is listed on that notice, and she told me just to show
23 up and everyone would be heard. Had I known that we were
24 going to be restricted to five minutes or so, I would have
25 broken my testimony up between 7 or 8 of the civic association
26 members so that it could have been heard in its entirety. But

1 I will know the next time.

2 CHAIRPERSON REID: Mrs. King, were you trying
3 to say something?

4 MS. KING: Just that if she wants to know the
5 details of the subsection under which this is being heard,
6 sections 410 and 2516, the staff can provide you with copies
7 of it.

8 MS. JOHNS GRAY: Okay. And the 1700 block of U
9 Street is across the street from the houses. It is right -- I
10 mean, the 1700 block is right next -- diagonally across from
11 them and they should have received notice.

12 CHAIRPERSON REID: I don't know if -- the
13 requirement is that the notices are sent to all persons who
14 live within 200 feet of the subject property.

15 MR. HART: It is required for 200 feet from the
16 subject property.

17 CHAIRPERSON REID: All right. You are saying
18 that they should have?

19 MR. HART: And we have a listing of who all
20 these people are. That is in the file. And I don't
21 understand it. They should have --

22 CHAIRPERSON REID: No one in that lot received
23 any notification you are saying? Okay.

24 MS. KING: Do you live in that block?

25 MS. JOHNS GRAY: No. I live in the 2000 block
26 of 18th Street. I live right in front of the park or the area

1 where they want to build.

2 MR. GILREATH: Did our staff confirm that these
3 people did not receive notice? Is there a way of checking
4 that?

5 MR. HART: Well, the only way that we can
6 confirm it is if the notices went out and they did receive it.
7 Then the notices should come back.

8 CHAIRPERSON REID: Well, we have the mailing --

9 MR. FEOLA: Madam Chairperson, we can cut
10 through it. This is -- that properties -- those properties
11 are not within 200 feet.

12 CHAIRPERSON REID: Give your name again.

13 MR. FEOLA: I am sorry, Phil Feola for the
14 record. I could enter this into the record. This is the map
15 upon which the 200 property onus list was drawn. There is
16 nobody on the 1700 block of U Street that falls within the
17 green circle. I will submit it for the record. And I will
18 also note that the property has been noticed. The signs have
19 been up. Clearly people know about it. Mr. Knapp presented
20 this to a number of citizen organizations and I think it is a
21 false issue quite frankly.

22 MS. KING: I agree. Can we get on to the next
23 witness, Madam Chair?

24 CHAIRPERSON REID: As soon as I get a chance to
25 look at this map.

26 MR. HART: Oh, I am sorry.

1 MS. BAILEY: Mr. Feola, the people in the 2200
2 block of Good Hope Road, are they not within that 200 foot
3 radius as well?

4 MR. FEOLA: I don't have the map anymore, but my
5 guess is no. I mean you can look at the map.

6 CHAIRPERSON REID: Mr. Feola?

7 MR. FEOLA: Yes, ma'am.

8 CHAIRPERSON REID: I need you to walk me
9 through this. What is the hundred block here?

10 MR. FEOLA: Okay.

11 MS. JONES: May I approach the bench?

12 CHAIRPERSON REID: Just one second.

13 MR. FEOLA: This is U Street. These properties
14 front on 18th Street. So they have 18th Street addresses.
15 These properties front on U Street. They are just outside the
16 boundary.

17 CHAIRPERSON REID: That is on the other side of
18 the street?

19 MR. FEOLA: Yes, ma'am.

20 CHAIRPERSON REID: So the people on this side
21 of the street did?

22 MR. FEOLA: Yes.

23 MS. JONES: Okay. Now the people on the 1800
24 block of -- or the 2200 block of Good Hope where they placed -
25 - who placed that sign?

26 MR. FEOLA: We did.

1 MS. JONES: Well, you put it on the tree. You
2 know, you are not supposed to put it on the tree. And it is
3 directly across the street from Mrs. Cook's house, who lives
4 at 2216 Good Hope Road. This is a copy of the mailout list,
5 and it is not on there.

6 CHAIRPERSON REID: Well, Mrs. Jones and -- I am
7 sorry, your name again?

8 MS. JOHNS GRAY: I am Caroline Gray.

9 CHAIRPERSON REID: Mrs. Gray, it looks like
10 that hundred block just missed the boundaries of the 200 feet.
11 So that is apparently why that did not get out to those
12 persons living in that 1700 block.

13 MS. JOHNS GRAY: Okay. Well, that is a
14 government issue and not a contract issue then.

15 CHAIRPERSON REID: What?

16 MS. JOHNS GRAY: That is a government issue and
17 not a contract issue. They are right that they didn't have to
18 notify them.

19 CHAIRPERSON REID: Well, they complied with
20 what is required of them. Unfortunately, it just barely
21 eliminates those persons. Sir? Thank you very much.

22 MR. KILGORE: I am Richard Kilgore --

23 CHAIRPERSON REID: Excuse me one second. Make
24 sure you give your written testimony to --

25 MS. JOHNS GRAY: I will get the written
26 testimony in.

1 CHAIRPERSON REID: All right.

2 MS. KING: Does she have a deadline to submit
3 it?

4 CHAIRPERSON REID: Mr. Hart will give it to
5 her.

6 MR. KILGORE: I am Richard Kilgore of the
7 Fairlawn Civic Association, and my home address is 1430 T as
8 in television Street, S.E., Washington, D.C. 20020-5652. I am
9 here to bring up the issue that I think has been overlooked
10 about the congestion that this project will create in this
11 area. First of all, the one parking space per apartment I
12 think really is a joke. I made an estimate that approximates
13 3 cars will be with each family. And if you do -- if my
14 arithmetic is correct, if you do 3 cars per 176 units, you are
15 looking at 528 cars. And if you did 33 -- and I am estimating
16 approximately 4 cars per single family home -- there would be
17 132 cars. So you combine that together and you are looking at
18 approximately 1890 cars per day that will be utilizing that
19 area once it is constructed or if it is constructed.

20 The congestion that exists now, you have the
21 shoe shop, you have the cleaners, you have the barber shop,
22 you have the carryout shop, you have the senior citizens
23 facility, the radio/TV shop, all this is on Good Hope Road
24 before you get down to Altamount Place. In addition to that,
25 you have the bus stop on the north and south side of Good Hope
26 Road coming from Alabama and coming from Naylor Road. So

1 there is actually three stops there within about a three block
2 area. You have the Skyland Liquor. You have the Anacostia
3 Post Office, the carrier station zone 20 over in the old
4 Safeway Store. You have the CVS. You have the Burger King.
5 You have the new training facility that was just built there
6 when the old Safeway moved out. And there also was a Pep Boys
7 there, so you had the Pep Boys, a laundromat, and also the
8 training center. You have the KFC on that side of Naylor.
9 You have the McDonalds. You have the Dollar Store there. You
10 have a full-service gas station there that is under
11 construction or remodeling, the Popeyes, the Discount Mart,
12 the Skyland Garden Apartments right around the Wagner Street
13 area. The pedestrian traffic of the young people getting from
14 one side of Good Hope to the other to utilize the laundromat.
15 The Stanton Elementary School right there at Naylor and Good
16 Hope, just a block from the new Safeway and Good Hope Market.
17 You have the dental office there. You have Mason's Funeral
18 Home, which would be on the same side of the street, just a
19 few blocks down opposite the old Anacostia Chrysler Plymouth
20 Dealer, the Anacostia Library at 18th and Good Hope Road. You
21 have Dr. Roundtree's Outreach Program that is occupying the
22 area where the car dealership used to be. And the traffic
23 light situation now is a problem coming down Good Hope Road
24 there in front of Marlbury Plaza and as you proceed down.

25 CHAIRPERSON REID: You've got about one more
26 minute. Do you have much more?

1 MR. KILGORE: No basically --

2 CHAIRPERSON REID: Sir?

3 MR. KILGORE: Yes, ma'am.

4 CHAIRPERSON REID: Do you have much more?

5 MR. KILGORE: No, ma'am. No, ma'am. Well,
6 actually it ties in, I guess, as an attachment to Mrs. Jones.

7 CHAIRPERSON REID: Okay.

8 MR. KILGORE: The bus lines that utilize Good
9 Hope Road -- you have the Friendship Bus that comes down and
10 proceeds and goes down 27th Street around by Pope Funeral
11 home. It makes a left and goes out Pennsylvania Avenue. You
12 have the L'Enfant Plaza V5 Bus that utilizes that corridor
13 that goes down to the HUD and goes down to L'Enfant Plaza
14 shopping center area. You have the Duke Ellington Bus that
15 uses Good Hope Road, the 90 and the 92. And you also have the
16 Garfield Bus that comes up Good Hope Road and makes the loop
17 there by the church. You have the Greater Southeast Community
18 Bus, the small mini-bus that utilizes that area from the
19 shopping mall. You have the new senior citizen building there
20 right on the corner of Good Hope Road, the 2500 block of Good
21 Hope Road.

22 So all of this that is existing now simply
23 impacts and just personifies congestion right in that area.
24 And if you add additional apartments there and probably two to
25 three cars from each apartment dwelling and maybe three to
26 four cars from each single family home, on Good Hope Road you

1 have the morning rush hour from 7:00 to 9:30 on one side and
2 you have the evening rush hour from 4:00 to 6:30 on one side.
3 You have the construction that is already going on with 295
4 coming from the 11th Street Bridge and proceeding up north and
5 proceeding down south. So basically what I am saying is that
6 this would have a tremendous impact on adding so much more
7 congestion right in that area. It is enough congestion there
8 now. When you come out in the morning to come and make a turn
9 on Good Hope Road, because of the influx of cars -- and as
10 they stated probably 80 percent is coming from PG County and a
11 lot from Charles County, which they utilize Route 4, which is
12 Pennsylvania Avenue extended and Route 5, which is Branch
13 Avenue extended, you can imagine this huge conglomeration
14 coming in on you each and every day and to add this with
15 additional apartments and additional families, how much mess
16 that would be. Look at the problems just getting around now
17 from point A to point B in the morning or evening rush hour or
18 during the non-rush hour.

19 So in summation, this would only create a
20 tremendous amount of congestion that is already there. It
21 would just add on. It would just boil over.

22 CHAIRPERSON REID: Okay. Thank you very much.
23 Any questions board members?

24 MS. KING: No questions.

25 CHAIRPERSON REID: Okay. Next witness, please?

26 MS. COLLINS: Madam Chairman and members of the

1 Board, I have looked at this problem from the traffic --

2 CHAIRPERSON REID: Your name?

3 MS. COLLINS: Susie Loretta Collins, 2211 T
4 Place, S.E., Washington, D.C. 20020. I had thought of the
5 traffic. It is horrendous going out onto Good Hope Road in
6 the morning. Now I admit a lot of the traffic is from out of
7 town. But to congest that area worse is to almost ask for
8 problems with the traffic. When the light changes, the
9 traffic very quickly -- I mean speeds down. The civic
10 association has actually called the police in to discuss this
11 with them. How that traffic comes down Good Hope Road
12 entirely too fast. I am a victim.

13 The other problem I was looking at was parking.
14 I have -- my son married and of course moved into a small area
15 or a smaller apartment so he could be okay and pay his rent.
16 In doing this, they had assigned -- it was like the
17 condominiums. They had assigned parking spaces. People do
18 not all work at the same time. Those who are off will move
19 their car into these little six or seven guest parking spots
20 so that the husband can come home or the wife or the son or
21 the daughter and take the assigned parking spot.

22 MS. KING: There are going to be no assigned
23 parking spots. That was a response to a question that I
24 asked.

25 MS. COLLINS: And that is worse. Okay. The
26 water drainage -- I have lived where I live for 32 years, and

1 I have watched that water there on Good Hope Road. There
2 seems to always be a problem. If it gets too hot, there is a
3 problem. If it gets too cold. The water drains down Good
4 Hope Road and the water seems to wet basements on Good Hope
5 Road. We have talked about that at the civic association with
6 the DPW. We have discussed this wetness of basements, this
7 dampness from the water draining down Good Hope Road. And as
8 it comes, it brings trash with it. People do not just put
9 trash in trash cans. They drop trash. And it just brings it
10 on down the road with it. This is all the water.

11 And parking on Good Hope Road -- if the traffic
12 is traveling west, you can't -- if the traffic is coming west
13 during rush hour, you cannot park on the west side. In the
14 afternoon, you cannot park on the south side where the traffic
15 is going east. So it is not just, oh, they have open parking
16 on Good Hope Road. No, that is very restricted.

17 That is -- the others have taken care of most
18 of what I wanted to say except one more thing except one more
19 thing, integrity. I have heard different numbers for the
20 separate houses and the apartments. The numbers have
21 fluctuated according to the tale being told. I think that is
22 an insult to us. Because we watched Marlbury Plaza supposedly
23 have 9 stories, and we watched it go up to 12 because of
24 feasibility of economics. To whom? To the builders. We are
25 not concerned about the builders feasibility of economics. It
26 is the people who live in the area that I am concerned with.

1 And that is it.

2 CHAIRPERSON REID: Thank you. Next?

3 MS. BROWN: My name is Norma Brown. I live at
4 1933 S Street, S.E., 20020. My testimony is in opposition to
5 the KSI project 16457, which plans to be constructed in our
6 community. My major concerns are as follows -- insufficient
7 parking facility, overcrowded school. Right now the capacity
8 for the Ketcham School is not overcrowded. But when we bring
9 in two and three bedroom apartments, this is going to increase
10 the students there at Ketcham. Both foot and motor traffic
11 congestion. Right now we have traffic coming through the
12 residential sections from the thoroughfares to avoid the
13 thoroughfare traffic coming through residential sections such
14 as S Street, R Street coming off of Naylor Road, avoiding Good
15 Hope, which is already congested. Also, we have high crime
16 rates. As was said before, neglected houses already in the
17 area that is badly in need of renovation.

18 In conclusion, construction of this project
19 will be a disservice to our community which will be serving to
20 the benefit of the wealthy builders, who would not dare
21 consider such a proposal such as this project in their
22 neighborhood. Thank you.

23 CHAIRPERSON REID: Thank you very much. Next?

24 MS. GLOVER: Yes, my name is Ora Glover, a
25 charter member of Paradigm Citizens Association and Founder of
26 Friends of El Casavandra.

1 MS. KING: Home address, please. Could we have
2 your home address, please?

3 MS. GLOVER: Oh, 1408 T Street, S.E., and I
4 have lived there for over 35 years. I love Anacostia. And we
5 have just been taken advantage of by new developers coming in.
6 But now no more. We are opening our eyes and we want things
7 to satisfy us. So I agree with everything that everyone has
8 said from Fairlawn and so forth -- in opposition I should say.
9 I would agree with them. One thing, when they were talking
10 about the traffic, they didn't count the cars. I live on T
11 Street. Back in 1970, we had to insist on a light being put
12 near Good Hope Road because neighbors and citizens of that
13 community cannot cross and children were getting hit right and
14 left trying to get across the street. So, two, I just want to
15 stress that to you about the traffic and crossing Good Hope
16 Road. I guess -- and there is another thing, we appreciate
17 and know children have to have some place to go. But working
18 with the library, we have put typewriters there and we have
19 computers there and we are trying to get something for the
20 children. We have so many children using our library,
21 including the kids who you would hear Gingrich talk about --
22 that is who he mentions, you know. They use our library, and
23 we are trying to be helpful, of course. If the developers
24 wanted to do anything, it seems like they would give us a
25 community center, because we are the only one in Ward 6 who do
26 not have a community center and that puts a force on the

1 Anacostia Library.

2 So I am not here to talk about the library, but
3 I am just talking about the impact that the development would
4 have and could relieve the library and citizens if they would
5 want to do something for the community. Because I love
6 Anacostia and they are not coming in here with anything that
7 they want to put in anymore like they have done for years.
8 Thank you. Hopefully they won't.

9 CHAIRPERSON REID: Thank you. Are there any
10 other persons in opposition who want to testify?

11 MR. MURPHY: Madam Chairman?

12 CHAIRPERSON REID: I am sorry. Yes, come up to
13 the front so you can be on the record. Are there any other
14 persons here who are here in opposition? Okay.

15 MR. MURPHY: Madam Chairman, my name is David
16 Murphy, and I represent the National Park Service and Agency.
17 The address is 1100 Ohio Drive, S.W., Washington, D.C. I have
18 with me James Rosenstock, who represents the National Capitol
19 Parks East, that is the administrative office.

20 CHAIRPERSON REID: Okay. I don't know if you
21 were here earlier when we first began. I mentioned the fact
22 that our system is not working properly. So you are going to
23 have to amplify -- I can barely hear you myself.

24 MR. MURPHY: All right. I am sorry.

25 CHAIRPERSON REID: So you are going to have to
26 speak loudly so that it will be picked up and everyone in here

1 can hear you.

2 MR. MURPHY: Okay. All right.

3 MS. KING: Do you have --

4 CHAIRPERSON REID: Were you sworn?

5 MS. KING: Do you have authorization from the

6 National Park Service? Are you officially representing them?

7 MR. MURPHY: Yes, ma'am, I am.

8 MS. KING: We have nothing in writing on that

9 subject or are you going to present it to us now?

10 MR. MURPHY: I will provide -- we needed to

11 hear the testimony today and see the presentations and that

12 will be actually part of our commentary.

13 CHAIRPERSON REID: And you will provide us with

14 any authorization that we need for your --

15 MR. MURPHY: Yes, if you so need, yes.

16 CHAIRPERSON REID: Supply it to the record.

17 MR. MURPHY: Again, David Murphy, representing

18 the National Park Service, 1100 Ohio Drive, S.W., Washington,

19 D.C.

20 MS. KING: What is your home address?

21 MR. MURPHY: 7910 Woodrow Place, Cabin John,

22 Maryland. Our concerns are two-fold today. They deal with

23 the cultural historic nature of the parks and the impacts that

24 this development may have on them, and also the natural values

25 of the parkland. As testimony has been provided to you, you

26 are aware that the proposal has as an adjacent owner or

1 adjacent property national parkland that is part of the Fort
2 Circle Parks system that is following the topographical of the
3 Nation's Capitol. I brought one illustration and I would like
4 to present that.

5 It is a bit redundant, but it will explain a
6 number of things. The green on this map represents the band of
7 Fort Circle Parks as is administered by the National Park
8 Service. The blue represents the proposed development and the
9 Anacostia River here. Fort Circle Parks is often referred to
10 -- and for your edification, we have placed the location of
11 Fort Baker, Fort Stanton, Battery Ricketts, and Fort Wagner.

12 MS. KING: They are all existing now as part of
13 your park system?

14 MR. MURPHY: They are not. They are locations.
15 They are high ground. You can see Fort Circle Parks is also
16 on the high ground, and that is part of the concern we have
17 got. One of the reasons setting aside Fort Circle Parks,
18 which is a chain of parks that was identified probably prior
19 to the McMillan Commission report of 1902, but certainly was
20 implemented by the National Capitol Planning Commission all
21 during the 1930's, was not only to preserve the chain of forts
22 and the concept of the defenses of Washington, but also to
23 preserve the wooded forest ridge that creates the topographic
24 bowl of the Nation's Capitol.

25 The wooded ridge in this case is very narrow,
26 and in fact it encompasses the park land, as you see, and

1 portions of the applicant's land. The elevations are some of
2 the highest. The average is 200 feet. The tree cover on top
3 of that is approximately 90 feet. So what we are finding is
4 that as one of the applicant's representatives indicated, that
5 there would be significant views from this development. And
6 we are fearful that the marketing of the views is going to be
7 at the detriment of park land. We are below the development.
8 The development of the apartment complex is on a fill land,
9 substantial fill, which will create a very high level,
10 approximately 200 feet with buildings proposed to be 62 feet,
11 which means that these buildings would be visible from the
12 Anacostia Freeway, which is one of the bands of area that
13 becomes the viewing point for this wooded ridge around the
14 Potomac. If you think about how the ridge is preserved, it is
15 not only preserved for the immediate viewer, but also the long
16 range.

17 We see no vegetation potential to screen these
18 buildings unless it is placed on the applicant's land. We did
19 not see this application until yesterday. We have seen
20 various versions of it. We have not seen the development
21 grading until today. We have had no opportunity to analyze
22 this or to undertake cross sections and to really make
23 substantial comment to you on the impact of this development
24 on view shed. A very quick study indicates that we will
25 probably see 50 feet of these buildings above what appears to
26 be the treetop or the tree line of the ridge. We are very

1 concerned about the development of that tract, which is as
2 somebody described, metro landfill, which means it is probably
3 not going to be able to support reforestation of any
4 substance.

5 So this is a very tight design. It needs a
6 great deal of thought. We have not seen that to date. On the
7 lower section, the residential area, we were aware on the
8 earlier submissions that we -- we use your records. So
9 whatever is in your records, we come here and review. So
10 whatever site plans were in the file two weeks ago is what we
11 have been troubled with. We did not get an updated set until
12 yesterday. There is, as we understand, a Corps of Engineers
13 Waters of the United States survey, which identifies a number
14 of wetlands and open water areas in the residential area. We
15 do not see how the housing as laid out could be built
16 according to that. On top of that, the District of Columbia
17 under its own regulations requires preservation of wetlands.
18 We do not see that being put on this now, so we are very
19 troubled that the houses that may not be able to be built
20 because of the wetlands under the Corps of Engineers
21 regulations may even be more problematic when the District of
22 Columbia applies its regulations on wetland and forest.

23 Why is it important to us? Most of these
24 wetlands are contiguous to or adjoining wetlands that are on
25 the area of Fort Circle Parks. We are -- and I will bow to
26 Mr. Rosenstock to make comment on the potential for rare and

1 endangered plants and animals in this area in the seeps. So
2 this is an area of great concern. We were hoping to see
3 substantial presentation today and to you. What we have seen
4 to date really doesn't give us much position other than to
5 take a position of opposition and suggest strongly that this
6 area be very carefully considered, far more carefully
7 considered than has been evidenced today.

8 CHAIRPERSON REID: Are you saying, sir, that
9 you are now going to do a more in-depth analysis and submit it
10 to this Board?

11 MR. MURPHY: Well, that really depends on what
12 you would request of us or suggest. We can do that. We will
13 do that within a time frame, but I would suggest that perhaps
14 this whole question be given a delay or a continuance and we
15 revisit this with more substantive evaluation.

16 CHAIRPERSON REID: From you?

17 MR. MURPHY: For you -- for ourselves and by
18 the applicant. The applicant has not shown, other than a
19 great deal of detail on laying out and lotting and plotting.
20 But as far as the inherent substance of what this site
21 represents and what possible adverse impacts it may have, we
22 are very concerned. We understand that this obviously will be
23 more than a million dollar development and we understand that
24 the Department of Health -- the District of Columbia
25 Department of Health requires some level of environmental
26 assessment, especially on these areas of wetland. So we are

1 not sure that the documents to date have been submitted to a
2 level that allows you to make a balanced decision.

3 CHAIRPERSON REID: Well, even not withstanding
4 that we may request the analysis from the applicant, but your
5 analysis would also be very helpful to us.

6 MR. MURPHY: We would be ready to provide that.

7 CHAIRPERSON REID: In order for us to be able
8 to analyze the information as submitted to us by the
9 applicant. We would appreciate that.

10 MR. MURPHY: All right. Now that we have a set
11 of documents that appear to be the record set which has been
12 submitted, we can now look at it. However, that lower section
13 with the wetlands, any comment we would have would have to be
14 prefaced subject to further consideration, because we are not
15 sure that it is at all clear to anyone how much of the wetland
16 in that area can, in fact, be disturbed.

17 CHAIRPERSON REID: So you are saying that you
18 would want to see a further submission by the applicant for
19 you to then respond to --

20 MR. MURPHY: I think that would be much more
21 productive.

22 CHAIRPERSON REID: By virtue of or in the form
23 of an analysis predicated upon what they then submit.

24 MR. MURPHY: I didn't mean to voice over you.
25 I think that would be more productive.

26 CHAIRPERSON REID: Okay. All right.

1 MS. KING: So what you are asking for is more
2 specific plans of what they intend to do on the residential or
3 single family home section? Is that what you are talking
4 about?

5 MR. MURPHY: That and more specific plans and
6 indication of how they are going to deal with the slopes
7 between the garden apartments and park boundary. It is now
8 about a 1 to 4 slope. We don't know and we have not been able
9 to analyze by any cross sections they have shown what this
10 would result in. Also, this has been described as industrial
11 fill. It does not grow trees. We have a standard with WMATA
12 where they do major work. We have three to four feet of
13 topsoil placed. I don't know how that could be done. This
14 area has been excessively filled. So we are looking at some
15 major environmental and design problems that really need to be
16 addressed. This is not casual. But we are just not seeing
17 the applicant providing any significant documentation to date.

18 CHAIRPERSON REID: Okay. Mr. Hood, do you have
19 any questions for this applicant?

20 MR. HOOD: Well, I just wanted to ask. So, I
21 guess one of the things we will be looking for is an
22 environmental assessment? Is that were we are going?

23 CHAIRPERSON REID: From the applicant. We will
24 request it from the applicant and then we will do a timeline
25 as to how much time they will have to then respond to that in
26 the form of a submission.

1 MR. HOOD: I was just wondering if we were
2 going to ask for an assessment. I believe you need to have an
3 assessment to see whether or not you need to have an impact
4 study. So that is where I am going with that. So you are
5 asking now for the applicant to give us an assessment.

6 MR. MURPHY: We are saying that as we
7 understand the District of Columbia regulations on a
8 development of more than a million dollars, an environmental
9 assessment/impact statement is required. This clearly is a
10 million dollars. But I am not sure at this stage, at this
11 late date, how that relates to this project.

12 MR. HOOD: I believe the impact or the
13 assessment would require whether we have to do an impact
14 study.

15 MR. MURPHY: Underneath of that --

16 MR. HOOD: I just want to make sure we ask for
17 the right thing.

18 CHAIRPERSON REID: Mr. Gilreath, do you have
19 any comments or questions?

20 MR. GILREATH: Well, I think the applicant
21 should address these issues. As I understand wetland
22 regulations, in some instances the developer can actually
23 utilize a wetland if there is a mitigation whereby an
24 additional wetland is created. So that we are not necessarily
25 locking the developer in and saying that you can't touch a
26 wetland that exists there. But we ask to what degree it can

1 be mitigated and so forth. I have no problem with them
2 providing something of that nature.

3 CHAIRPERSON REID: Well, that is exactly what
4 we have. Ms. King, do you have any questions or comments?

5 MS. KING: No, but I concur with Mr. Gilreath
6 and Mr. Hood on the need to explore much further before we
7 even consider making a decision in this case the whole
8 ecological impact and the wetlands and the slopes and the
9 landfill and all of that.

10 MR. MURPHY: Madam Chairman, one thing that we
11 have been working with the Department of -- the District
12 Department of Health and Mr. Cummings' office on the analysis
13 of the District -- of what preservation is necessary under the
14 District regulations for wetland protection, which is
15 different than the federal regulation.

16 MS. KING: Is it more stringent?

17 MR. MURPHY: Say it again?

18 MS. KING: Is it more stringent than the
19 federal?

20 MR. MURPHY: It appears to be. It appears to
21 be. Because there is so little wetland left in the District,
22 it appears that the discussion of mitigation by replacement
23 elsewhere really doesn't lend itself. Because we are not
24 talking large gross areas. We may be talking a half acre or
25 two acres. And this area has spring seeps, which mean that
26 the only place that that wetland can exist is right there at

1 those heads of springs. So it is a very problematic site. And
2 while we are not opposing development of this site per se, but
3 what you have seen to date really we cannot stand here and say
4 is something that doesn't have a great deal of concern
5 attached to it.

6 MS. KING: And is your colleague going to
7 testify on spore and fauna?

8 MR. ROSENSTOCK: Yes, ma'am. Are you done,
9 David?

10 MR. MURPHY: Yes.

11 CHAIRPERSON REID: Thank you.

12 MR. ROSENSTOCK: For the record, James
13 Rosenstock, representing National Capitol Parks East at 1900
14 Anacostia Drive, S.E., 20020.

15 MS. KING: Your home address?

16 MR. ROSENSTOCK: My home address is 13508
17 Harrison Avenue, Fort Washington, Maryland 20744. I am going
18 to amplify a little bit on what Mr. Murphy had to say. I
19 listened --

20 MS. KING: Could you speak a little louder?

21 MR. ROSENSTOCK: Oh, I am sorry. I am going to
22 amplify a little bit on what Mr. Murphy had to say. I
23 listened with interest to what some of our neighbors had to
24 say. Clearly, they are feeling a little crowded by this
25 project. The National Park Service is also feeling crowded in
26 some ways by this project.

1 In regard to the wetlands near the single
2 family subdivisions, this is a rather dense development right
3 to the edge of park land. There are some wetlands on their
4 property that will clearly be impacted. That is not our
5 direct concern, except that they are contiguous with National
6 Park Service wetlands. Some of the wetlands on Park Service
7 property closely adjoining this property are some rare wetland
8 seeps. The Smithsonian professionals have found some rare
9 topapods and ampapods, micro invertebrates living in some of
10 these spring seeps that are candidates -- very rare species.
11 In some cases, possibly the only locations where these are
12 known to exist.

13 I don't have a polished presentation here. I
14 do have some xeroxes of some polaroids I took yesterday
15 afternoon, however, of some of these wetland seeps. This is
16 just behind the project with Jewel Weed, Sweet Bay Magnolia,
17 Lady Ferns, and such like that. My apologies -- Sweet Bay
18 Magnolia an indicator of some of the highest quality wetlands
19 and Lady Ferns. Again, I apologize --

20 MR. FEOLA: Madam Chair, may I have a
21 clarification? Are you talking about on the Park or on the
22 property?

23 MR. ROSENSTOCK: This is on the park just
24 closely adjacent to the property. And we are very concerned
25 frankly. Beyond the edge of current development, there is a
26 lot of invasive vegetation, plants that don't belong there

1 that are pushing into very high quality woods further back.
2 And typically we find that invasive vegetation tends to push
3 back from disturbed, i.e., developed areas. And we feel that
4 this potentially very rare wetland could be potentially
5 impacted by a development so close.

6 Also, with the large number of relatively small
7 yard houses -- I enjoyed the lady's comment about she would
8 like to see four homes there, but that 37 was problematic. We
9 tend to find that where there are many small backyards backing
10 up on park land, the impacts on the natural systems beyond are
11 often problematic. So we have serious concerns about what
12 this construction on existing wetlands and wetlands contiguous
13 with the National Park Service would have.

14 Moving on to the apartment site, which is a
15 rubble fill. Again, my apologies for the low quality of the
16 pictures.

17 CHAIRPERSON REID: I am sorry, a what?

18 MR. ROSENSTOCK: A rubble fill -- the metro
19 fill.

20 CHAIRPERSON REID: A rubble fill?

21 MR. ROSENSTOCK: Yes.

22 CHAIRPERSON REID: Okay.

23 MR. ROSENSTOCK: It is --

24 CHAIRPERSON REID: I understand. I though you
25 -- I did not hear what you said. I thought you -- it sounded
26 like you said a rubber fill.

1 MR. ROSENSTOCK: Basically the soil there is
2 very poor. There is concrete, asphalt, all kinds of rubble
3 sticking out of it. The entire site is highly eroded. It is
4 gullies of erosion graded across it. It is a very high mesa
5 looking from the park up onto the site. You have at least a
6 50 foot vista going straight up. We have a public trail that
7 runs through all of the Fort Circle parks, from Fort Mahan all
8 the way down to the lower parts of Fort Stanton, the
9 hiker/biker trail. And actually when this metro fill was done
10 in approximately 1986, there was massive soil movement from
11 this fill site onto park land. We lost a lot of trees. I
12 have a photograph I will submit for the record also of a park
13 boundary sign that was 7 feet in the air and we have a picture
14 of a park ranger pointing down at it. In fact, Mrs. Kass was
15 cited by the Department of Consumer and Regulatory Affairs
16 even back in 1987 for this. And there is currently massive
17 erosion on this site. There is impacts every time it rains on
18 National Park land down-slope from this site.

19 I am concerned about the hiker/biker trail.
20 This rubble-filled mesa is easily visible from certain points
21 along the trail, and I am concerned with 60-foot apartment
22 buildings on top of this already unnaturally high mesa on a
23 slope that will unlikely support the kind of forest and
24 vegetation that would be appropriate for our National Park
25 land. I am very concerned about the placement -- the height
26 and mass and the proximity of the apartment buildings to our

1 National Park land. I do wish the applicant had consulted
2 with us more closely in drawing up these plans. We certainly
3 could have shared these comments sometime before.

4 Like I say, this rubble site has been a source
5 of problems for the National Park Service since approximately
6 1986, and we are very concerned that the construction of
7 massive buildings on top of it will frankly add insult to the
8 current injury, both in terms of the view from Fort Stanton
9 and the Fort Stanton hiker/biker trail, and also from
10 historical sites down gradient -- Anacostia Park and even
11 across the river, areas of Capitol Hill and possibly Lincoln
12 Park. Again, we have not had time to do an in-depth analysis.
13 But as Mr. Murphy was eluding to, the topographic bowl that
14 the Fort Circle systems provide. When you watch the morning
15 news and they show you sunrise over the Capitol, that
16 beautiful forested ridge line behind it, that is Fort Dupont
17 Park. The Fort Circle Parks serve as a major design element
18 of the City of Washington, and they were so set aside in 1904,
19 I believe, by Senator McMillan's plan. And we are very
20 concerned that the developments not pick away pieces at this
21 very important plan of our very green Capitol City. If you
22 have any questions, I will be glad to take them.

23 MR. GILREATH: How would the Park Service feel
24 if the developers come in here and say they are going to build
25 as a matter of right -- I understand that is R5-A and R5-B
26 with a height of what, 90 feet?

1 MR. FEOLA: 90 feet.

2 MR. GILREATH: 90 feet. So if they said we are
3 going to build here as a matter of right, in terms of the
4 impact on the park, do you feel that 90 foot towers would be
5 more adverse than what we are getting? It is just that I
6 think we have to -- I don't know what the final decision will
7 be, but we have to weigh those -- both factors. Let's say we
8 vote in favor of this and say we don't like it or what have
9 you, if they or some other developer came in with a 90-foot --
10 said they were going to put 90-foot towers in there, we have
11 got to weigh that as well, I think. So 90-foot towers, how
12 would you feel about that?

13 MR. ROSENSTOCK: I would think 90-foot towers
14 would be absolutely awful, of course. And we are not opposing
15 the right to develop. But I think taking into context the
16 adjoining National Park -- you know, the National Register of
17 Historic Places Park, an important design element for the
18 entire City of Washington, and the fact that these apartment
19 buildings would be placed on an artificial fill at least 50
20 feet above the natural grade, I think that some judgment could
21 be made in the placement of these buildings, of the height of
22 them, of their orientation, and of screening capabilities.
23 Seeing those buildings right on the edge of the very highest
24 part of the mesa toward the back park, the opportunities to
25 screen for either within the park or for areas beyond is just
26 about nil.

1 MR. GILREATH: So what you are saying -- if I
2 understood it -- you are not necessarily opposed to this in
3 principle with certain mitigations in terms of height and
4 placement of building and so forth?

5 MR. ROSENSTOCK: Yes.

6 MR. GILREATH: So it is a matter of you want to
7 look at it further to see what mitigations can be achieved?

8 MR. ROSENSTOCK: Yes, sir. And that -- frankly
9 in that configuration, I am very doubtful if things can be
10 properly mitigated on site. But certainly extensive further
11 analysis is necessary.

12 MS. KING: You are talking now about the
13 apartment site or on both sites?

14 MR. ROSENSTOCK: Oh, well both for varying
15 reasons. The apartment site is not built on a natural area at
16 all. Of course, it does right now supply horrible erosive
17 problems into the park. But beyond the apartment site, we
18 have some extremely sensitive wetlands issues. I think the
19 overriding issue on the apartment site from the National Park
20 Service standpoint is the view problems. And like I say, it
21 crowds us in terms of view and it crowds us in terms of our
22 natural elements, just as our neighbors are feeling crowded in
23 other ways.

24 CHAIRPERSON REID: Your decision to come here
25 to testify today was predicated upon your seeing the posting
26 of the site?

1 MR. ROSENSTOCK: I received notification from
2 Mr. Murphy approximately two weeks ago.

3 CHAIRPERSON REID: Mr. Murphy?

4 MR. ROSENSTOCK: My colleague.

5 MR. MURPHY: Which is approximately when I
6 received the notice.

7 CHAIRPERSON REID: And you received the notice
8 --

9 MS. KING: You are within the 200 feet?

10 MR. ROSENSTOCK: We adjoin both sides.

11 CHAIRPERSON REID: Oh, okay.

12 MR. ROSENSTOCK: Fort Stanton Park. It is the
13 property that bifurcates the two sides.

14 CHAIRPERSON REID: Okay. So you came in and
15 reviewed the file prior to coming in today?

16 MR. MURPHY: Madam Chairman, we have many
17 applications that we see. And what we found is rather than
18 reach out and chase applicants, what we have found is that
19 your files and what is submitted to you, which is the public
20 record, is the very best way for us to understand immediately
21 whether or not we are going to be affected and how much and
22 then how to respond. The difficulty with this particular
23 project is that the early submissions left us in doubt as to
24 whether or not -- we questioned the topography of the site.
25 It did not appear that the high fill area had been captured in
26 the early submission by the applicant. So we are looking at

1 erroneous topography, erroneous wetland illustrations, and
2 trying to determine where we will go from there. This is not
3 an unusual situation, but we have found for us to deal with 20
4 or 30 possible applications, the most effective way is for us
5 to use your public files, which the public -- that is the only
6 file they have as well.

7 MS. BAILEY: Madam Chair, if I can kind of
8 piggyback on what was just said by Mr. Murphy. What we are
9 finding is applicants are submitting information early in the
10 process just to get into -- onto the calendar and so forth.
11 And as the process goes along, they refine it. They meet with
12 the community. They have additional meetings. And so what we
13 get at the end, as in this case, is significantly different
14 from what was originally submitted. And when someone comes
15 into the office to review the record, they are looking at what
16 was submitted early. But two weeks prior to the hearing, we
17 have got a whole completely different package. And that is
18 what is causing some of this confusion.

19 CHAIRPERSON REID: Thank you very much, Ms.
20 Bailey. That really clarifies it and it makes sense also that
21 the initial submission would differ sometimes completely and
22 entirely from what we end up with in our packages that we
23 receive a few days before the hearing.

24 MR. GILREATH: Madam Chair, I would like to ask
25 if it would be reasonable to ask the developer to work with
26 the Park Service and they can take a look at this when they

1 come back. Sit down with the Park Service and identify the
2 wetlands. You have done the view sheds and so forth and see
3 if something could be worked out that would be acceptable for
4 you and the Park Service too could be satisfied. There is no
5 guarantee, but at least an effort could be made. Is that
6 unreasonable to request that of you?

7 MR. FEOLA: May I speak?

8 CHAIRPERSON REID: Sure.

9 MR. FEOLA: Madam Chairperson, in response to
10 that, I want to say a couple things. First of all, I want to
11 say that I have worked with Mr. Murphy for many, many years
12 and this in no way is meant to be a slam on him or his
13 integrity or anything else. Because I know he is a very busy
14 man and is doing a lot of things. But I wrote a letter to the
15 Park Service to Mr. Murphy in November of last year asking to
16 sit down and meet about this project. Things happened. He
17 was sick. There were a lot of problems, and we finally passed
18 voice mail messages at the end of December, which I had
19 transcribed. He basically said the Park Service seemed to be
20 okay with this. They had some problems, but they would let us
21 know. We filed the application and heard nothing from the
22 Park Service -- nothing until 11:30 yesterday morning when I
23 got a call from Mr. Rosenstock. That puts an applicant in a
24 very bad position. Now maybe we should have been more
25 aggressive. Maybe we should have a month before the hearing
26 sat down and tried to do it. But we were meeting with the

1 community and we were trying to balance a lot of different
2 things.

3 CHAIRPERSON REID: But the effort was made?

4 MR. FEOLA: We tried. And maybe we didn't try
5 enough and maybe it is our fault.

6 MR. HOOD: But he did say you could have some
7 problems.

8 MR. FEOLA: No. The message was that there
9 didn't seem to be any problems.

10 MR. MURPHY: 11:30 yesterday --

11 MR. FEOLA: At 11:30 yesterday, I heard about
12 the concerns.

13 MR. HOOD: No. I am talking about previously.

14 MR. FEOLA: There might be some -- there was a
15 voice mail and a very vague message. I called him back and
16 said we would still like to have a meeting and we never heard
17 anything else. I want to say that Mr. Murphy has been a very
18 straight, up front guy for the last 20 years I have been doing
19 this stuff and --

20 MR. HOOD: Mr. Feola, I am trying to follow the
21 process. You lost me there. You said at the beginning that
22 the Park Service said that there may be a few problems. So
23 with you representing the applicant, I think I would have
24 followed -- you should have probably followed up on it.

25 MR. FEOLA: I did. I followed up and asked for
26 a meeting and we never -- and it dropped through the cracks.

1 My fault for not doing the second follow-up.

2 MR. HOOD: But you knew that they had some
3 problems and some concerns. It didn't just happen yesterday
4 at 11:30. You knew prior to that, yes or no?

5 MR. FEOLA: No, no. I am sorry.

6 MR. HOOD: Okay. You see I am --

7 MR. FEOLA: The message back I got from Mr.
8 Murphy on my voice mail was that the site that I -- I sent him
9 a package of information and when he got the information he
10 said that the site that he was thinking about was a different
11 site, and this one didn't seem to be as many problems. We
12 filed the BZA application and Ms. Bailey said things have
13 changed since then. So they may have discovered problems and
14 maybe we should have been more aggressive. I just want to
15 leave the impression with the Board that we didn't try to
16 sneak this past the Park Service. We tried early on, before
17 we even had plans, and it just fell through the cracks. I am
18 not blaming the Park Service. I just want to make sure that
19 the Board doesn't blame the applicant for not sort of staying
20 abreast.

21 Now the other thing is we have done extensive
22 wetland studies, and we have the expert from Greenhold &
23 Mayer, who has been working with the Corps of Engineers and
24 the District Department of Health on all these issues. These
25 are not surprise issues. They may be a surprise to the Park
26 Service and we will be happy to sit down with them and go

1 through all the detail and all the data, as Mr. Gilreath had
2 suggested. And by all means, they are the next-door neighbor
3 and we want to work with them to make them comfortable that
4 this is not an invasion on the National Park. I mean, this is
5 private property, though. And if in 1930 they wanted to buy
6 this property from the Kass family, they could have, and they
7 didn't. So it has a certain zoning right. It has a right to
8 housing. It has a right to R5-B classification, which by the
9 way could be 400 units, 90-feet high, just on this piece of
10 land. This could look just like Marlbury Plaza. A matter of
11 right, not before this Board and not before anybody. Not
12 before the Park Service or anything. So I think you've got to
13 keep it in perspective. We are looking at 213 units on twice
14 the size land, and it does have some issues. And by the way,
15 that 400 units would only require 200 parking spaces, a half a
16 space per unit. So what we are trying to do is a responsible
17 development. It is a long and winded answer to Mr. Gilreath's
18 question. We will be happy to meet with the Park Service in a
19 timely manner to try to move this thing along.

20 CHAIRPERSON REID: Okay.

21 MR. MURPHY: May I make a comment?

22 CHAIRPERSON REID: Sure.

23 MR. MURPHY: As I said, we as a matter of
24 course utilize the records that are submitted to you all for
25 the public review. It may not be the best system, but it is a
26 system that allows us to make sure that we see what the public

1 sees so that we are not suddenly finding that there is some
2 vestibule agreement. Now as to wetlands, yes. Before we came
3 in here, we were shown a wetland delineation. You were not
4 shown a wetland delineation. You have not had any of this
5 presented to you. So my comments are I want you all to be
6 aware that these areas are of concern and that they need to be
7 considered. As far as 400 buildings or whatever the numbers
8 are, I feel like I really need to respond to that, even though
9 it is rather laughable. What is not pointed out is that, yes,
10 in theory you could build 400 units X feet high. But it still
11 has to be reviewed and approved by the District of Columbia
12 for a building permit, which would still require it to be
13 reviewed for wetlands preservation, which was not mentioned to
14 you. So I don't know what the real number is. I can
15 guarantee it isn't 400. But to me that is a specious
16 argument. What we really need to do is look at this site in a
17 holistic way and work it out and deal with it. But for us to
18 do that and have the public not even aware of it is of great
19 concern to me. So I am happy to work with the developer. We
20 will respond to any analysis they can provide. We have on the
21 record indicated where our concerns are. We would like to see
22 them respond to it.

23 CHAIRPERSON REID: Okay.

24 MR. MURPHY: And we will be working with them
25 in a timely manner.

26 CHAIRPERSON REID: Thank you. Thank you very

1 much. Any other comments?

2 MR. GILREATH: I think that is very

3 constructive. I am glad to hear that.

4 CHAIRPERSON REID: All right. Thank you. We

5 will move now to -- are there any other persons in opposition?

6 I believe these were the last. Opposition? Are you the last

7 person?

8 MR. BRADLEY: Yes.

9 CHAIRPERSON REID: Okay. Because I called

10 before and you didn't come up.

11 MR. BRADLEY: I am not in opposition. I am in

12 support.

13 CHAIRPERSON REID: Oh, no. We have already had

14 --

15 MR. KNAPP: Madam Chairman, he was just out on

16 a break during the time in which the supporters were called

17 forth. So he missed the support, but he has been waiting

18 patiently to provide some support.

19 CHAIRPERSON REID: All right. Okay. We will

20 waive the sequence and allow him to, since he has been here

21 waiting to testify.

22 MR. KNAPP: Thank you.

23 CHAIRPERSON REID: Is your -- have you been

24 sworn in?

25 MR. BRADLEY: No.

26 (WITNESS IS SWORN.)

1 MR. BRADLEY: Good evening, Madam Chairman and
2 Board members. My name is Fred Bradley. I am a resident of
3 Anacostia for in excess of 33 years. I --

4 MR. HART: Your address, please?

5 MR. BRADLEY: Can you hear me?

6 MR. GILREATH: He asked where you live.

7 MR. BRADLEY: 1222 U Street, S.E., Washington,
8 D.C. I am very blessed to have such wonderful neighbors that
9 will be able to smile and wave at me tomorrow. Okay. You
10 know, we talk about economic development, and being in
11 Anacostia we was talking about it for some 20 some years now.
12 Now the reality of it is it is about to happen. Sometimes it
13 scares people, but it is going to happen whether we are here
14 to see it or not. We know it is going to happen eventually.
15 As far as this project, I think it is one of the best things,
16 with the exception of the Safeway project that started this
17 whole thing off. This is one of the best things that has been
18 offered to Anacostia for the last 20 years. That is my
19 opinion as a person and a resident who lives there.

20 I see economic development as different phases
21 -- different phases or opportunities that will trigger. We
22 talk about developing down on the gateway. It is this type of
23 development that trickles itself down. You don't get it all
24 at one time, but eventually it comes. Some of the problems
25 that people talk about and the concerns -- and we all should
26 have concerns. I know we have them. Me being a resident, I

1 have a lot of concern about it. I think we should also think
2 of ourselves and what right we have as a citizen and resident
3 of the District of Columbia.

4 We talk about the traffic -- the effect that an
5 additional 200 or 300 cars will put on the community. Well,
6 my response to that is I feel like those 200 or 300 cars will
7 be part of us and part of our community, and I think we should
8 have more right to go out, if it causes congestion or whatever
9 it has, on those streets, Good Hope Road, than our neighbors
10 that are coming across the line. Some of the people coming
11 across the line may be our new neighbors.

12 Now in response to talking about whether houses
13 are going here and the wetland, that is what development --
14 that is part of development -- drainage systems usually
15 eliminates those things. This property here where the houses
16 are going, it is solid. That area in there is good solid,
17 firm ground for building. It just needs some drainage system
18 which will take place with the development.

19 Now as far as the apartment up there, I would
20 hope everyone would keep an open mind and never compare
21 Marlbury Plaza with this type of apartment. I am talking
22 about a luxury apartment. They are on a different scale.
23 They are bringing in a different type of people. If we was
24 comparing peoples with the ones that we have now or the
25 problem ones that we expect that we will maintain, since they
26 are already there. I do not see where these apartments will

1 bring in any type of negativeness. I can't see it. As far as
2 the houses, I think it will be great for Anacostia to have 38
3 new members of our community -- taxpaying members of our
4 community.

5 Now as far as the apartment, sure, all of that
6 is true. We have a lot of vacant apartments in Anacostia.
7 But it is not the developers fault. It is the owners and even
8 part of the government's fault. A lot of those properties are
9 owned by the government. Maybe they should consider tearing
10 those apartments down and building single family homes that
11 help enhance our community.

12 I am looking here at what I call a finished
13 product of what we expect to see, and I cannot see where these
14 type of housing can bring any negative to Anacostia, and I
15 don't believe that the people that are going to buy those
16 types of homes are going to be a type of people that we
17 wouldn't welcome as neighbors. I would hope that we all would
18 at least try to adjust ourselves to some changes. Because if
19 we continue to reject, we are going to wind up continuing to
20 have what we have there, which no one is satisfied with. I
21 know I am not. This is a decision that people have to make.
22 Sometimes you may gain two and you may lose five or six. But
23 some of the things that are proposed on our community at this
24 time, what I consider as negative things that we should not
25 have, such as advertisement from HUD, where he wants people to
26 rent their homes out for people that they have on a waiting

1 list. Those are the types of things we need to reject for
2 Anacostia. Those are the type of things that bring boarded up
3 homes over a period of time and decades. We have all seen
4 that.

5 This is the first time that I was able to
6 witness a developer came in our community and from my view was
7 open from day one. They came to the community to present
8 everything that they have access to at those times -- the
9 meetings that I attended. They offered it to the community
10 and gave the community an opportunity to be part of these
11 developments. Normally, we just wake up and we see things
12 happening and we are not informed. I would really hope that
13 this body would give this project some real open
14 consideration. Because I know I am just one person, but there
15 are others that share these opinions with me, although they
16 are not present. When it is time to step up to the bat, a lot
17 of people have different thoughts about things. But I really
18 think that this would be a plus for Anacostia. And I want to
19 thank you all.

20 CHAIRPERSON REID: Thank you. We afforded you
21 an additional amount of time to speak because of the fact that
22 we only had one other person in support to speak.

23 MR. BRADLEY: I appreciate that.

24 CHAIRPERSON REID: So in parity, we allowed you
25 a little bit of additional time.

26 MR. BRADLEY: Okay. Thank you kindly.

1 CHAIRPERSON REID: Thank you very much for your
2 testimony. All right. Closing remarks by the applicant?
3 Rebuttal?

4 MS. KING: Brief closing remarks.

5 MR. FEOLA: I want to thank the Board for its
6 indulgence in the time. This has been a very interesting
7 case, not uncomplicated. And I am not going to prolong the
8 agony, if you will. I would like to introduce Ernie Anderson,
9 however, because he has been working on the wetlands for well
10 over six months and the issue that the Park Service has
11 raised. Just briefly, Mr. Anderson, state your name and
12 address for the record.

13 MR. ANDERSON: Ernest Anderson. My home
14 address is 13223 Poet Court, Fairfax, Virginia.

15 MS. KING: Have you been sworn in?

16 MR. ANDERSON: Yes, I have.

17 MR. FEOLA: Just briefly tell the Board a little
18 bit about your background. Briefly.

19 MR. ANDERSON: I understand the need for
20 brevity. I have about 40 years experience in natural resource
21 management. The first 30 years were with the Forest Service.
22 The last 10 years of which were in Washington, D.C. in the
23 headquarters. And the last 10 years, I have worked as a
24 private consultant to both the public and private consumers.

25 About six months ago -- actually five months
26 ago, we completed a wetland delineation to federal standards

1 on both properties. That was followed by the Corps of
2 Engineers, who have the responsibility to enforce federal
3 regulations and they have approved that delineation and I have
4 a representation of it here, which I could put up or I could
5 submit.

6 MR. FEOLA: We will submit for the record.

7 MR. ANDERSON: We will submit. The point is we
8 have also talked with Mr. Ruby from the Department of Public
9 Health, who recommended that we make our peace with the Corps
10 and deal with the Corps on the wetland impact issues, in as
11 much as the District had no authority to regulate wetland
12 impacts, and that we work with him on any mitigation that is
13 necessary, and we have now completed that activity and have a
14 proposal to present to Mr. Ruby for consideration of an
15 appropriate mitigation for the wetland impacts. I might say
16 that the proposed wetland impacts on this situation of 15
17 acres is less than two-tenths of an acre. And so from my
18 perspective, while I am not making public policy, I find the
19 wetland issue perhaps to be somewhat blown out of proportion.

20 MR. FEOLA: We will --

21 CHAIRPERSON REID: Thank you.

22 MR. FEOLA: -- have Mr. Anderson work with the
23 Park Service on following up on this. I want to ask Mr. Knapp
24 one question. Mr. Knapp, you have heard some comments from
25 the neighbors about the lack of need for apartments in this
26 area. You might want to

1 -- could you address that, please?

2 MR. KNAPP: Yes. Certainly. We had a
3 professional market study done by a national company called
4 Robert Charles Wesser. This is a company with excellent --

5 MR. FEOLA: Which I would like to enter into the
6 record.

7 MR. KNAPP: The market analyst did a very in-
8 depth study of the market in Anacostia, and they determined in
9 fact that the market is very tight. There is a difference
10 between a professionally managed large community, Class A
11 apartment community, and small multiple dwellings that are
12 owned by individual speculators foreclosed upon by the city
13 and operated by HUD. If you look at the professionally run
14 properties, they all have occupancies in the one or two
15 percent. The most relevant property to look at is Marlbury
16 Plaza, which is a beautifully managed property by Charles E.
17 Smith, recently sold to H.G. Smith for almost \$30,000.00 a
18 unit. It is 672 units. It has got a 1.5 percent vacancy
19 rate. There is always going to be a few apartments available
20 just because of natural turnover. But that is a remarkably
21 low rate and that is an indices of a market that is underbuilt
22 or under-supplied.

23 We have Skyland, that is the adjoining property
24 next to the proposed site. It is operated very beautifully by
25 William C. Smith, 223 units. It has got 1.3 percent vacancy.
26 By the way, both of these properties have rents equal or in

1 some cases in excess of what the proposed rents are. You have
2 Park Naylor Apartments professionally managed by Edgewood
3 Management Company, 231 units. It has got less than a 1
4 percent vacancy rate. This is a matter of fact. There is a
5 whole series of secondary competitors, such as Washington View
6 Apartments, which has no vacancies at all, Oxford Manor, which
7 has 4.4 percent, Hillside Terrace, which has no vacancies, the
8 Parklands, which has a 1.7 percent vacancy rate. It is a
9 matter of fact that the apartment supply is very tight in the
10 area. It is also a matter of fact that the middle class which
11 would like to find good quality housing in Anacostia is unable
12 to do that. There is a lack of opportunity in Anacostia. And
13 the population of Anacostia has been on a steady decline
14 mainly due to this lack of good, high quality housing, the
15 type of housing you find in Bethesda, Connecticut Avenue,
16 Georgetown. And we plan to bring this kind of quality housing
17 into Anacostia, where there is a documented strong market for
18 it.

19 MR. FEOLA: Thank you, Madam Chair. One or two
20 very minor points that I would like to make. The first is on
21 the environmental assessment and the need for it versus this
22 project. Mr. Murphy was correct. Mr. Hood is correct that
23 this project because it is in excess of a million dollars will
24 require at least an environmental assessment and maybe an
25 environmental impact statement. That requirement is done
26 through the building permit. We can't file a building permit

1 unless the Zoning Board finds the zoning okay. Without
2 putting the cart before the horse -- and there is a public
3 opportunity for comment and hearing on that environmental
4 assessment as well. We will put in the record more
5 documentation on the environmental work that has been done to
6 make sure that the applicant made sure that they could go
7 forward with this if this Board approves it. But I just want
8 everyone to understand that this Board is not the
9 environmental assessment board, and the courts have sustained
10 that. This Board is a zoning board, and first of all you have
11 to tell us what we can build before we can evaluate the
12 assessment. If you say build half the houses, that is a
13 different assessment than if we build all that we ask.

14 MS. KING: Who is the environmental assessment
15 board. After only 11 years in the mayor's office for boards
16 and commissions, I have never heard of such an entity. Who
17 does that?

18 MR. FEOLA: I am sorry. That was a hypothetical
19 board. There is not a board. It is the Division of
20 Environmental Services.

21 MS. KING: Watch it with me, I know boards up
22 the kazoo. But who does -- who makes it?

23 MR. FEOLA: It is the Department of Health. It
24 is the Division of Environmental Services in the Department of
25 Health.

26 MS. KING: Okay.

1 MR. FEOLA: They hold public hearings and they
2 appoint a hearing examiner, so forth and so on. There is not
3 -- you are absolutely correct, Mrs. King, there is not a
4 board. And this applicant, I think -- and we respectfully
5 appreciate the citizen concerns you have heard today. I think
6 this applicant has demonstrated an opportunity to try to
7 address those concerns.

8 But I want to point out that this Board is
9 charged with implementing the zoning regulations. The zoning
10 regulations as articulated by the request we have asked for,
11 section 410 and section 2516, and based on the record that I
12 heard today, there is nothing in the record that suggests that
13 the applicant hasn't met those tests. We have heard that they
14 would prefer single family houses. We have heard that the
15 community would prefer more parking than the regulations
16 require. We have heard that the community would like less
17 houses than the 37 that are proposed for the single family
18 development. That is not what this Board is charged with.
19 This Board is charged with implementing the zoning
20 regulations. Not one iota of evidence has attacked any
21 section of those special exception requirements as to this
22 application's inability to meet them. And I think that is
23 really important.

24 We think just the opposite of what we have
25 heard today. I think picking up on what the last gentleman
26 just said, we think the future of Anacostia and east of the

1 river is set by private sector investment. There has been a
2 lot of public investment in Anacostia, and it hasn't really
3 turned it into the jewel that it could be. The jewels that we
4 have heard, the Safeway and places like that, are all the
5 product of private sector investment, private capital. This
6 project -- no public subsidy -- will be a major investment of
7 private capital east of the river, in an area that quite
8 frankly could use new housing development. We think it is a
9 win/win. New houses, new residents, new taxes,
10 environmentally sensitive, and I have got to come back to the
11 underriding or overriding concern. It is one quarter of the
12 density that the zoning permits -- one quarter. As I pointed
13 out when I was up here talking with the Park Service, just
14 that middle piece between -- point that out, Dick, please.
15 Just that -- no, no, the single family piece. Just that piece
16 right there, R5-B zone, could accommodate 400,000 square feet
17 of high rise apartments and 90 feet high with one parking
18 space for every two units. That is bigger than our 213 unit
19 proposal with half the parking. Just to keep it in
20 perspective. We think that this is a very reasonable,
21 responsible development plan, and we understand that there is
22 a lot that you would like to have in the record and hopefully
23 after the record is complete, this Board would see fit to
24 approve it. Thank you very much.

25 MR. EDGECOMBE: Could I make one small point?

26 MR. FEOLA: Certainly, Mr. Edgecombe. The

1 client always has the last word.

2 MR. EDGECOMBE: Just one small point.

3 CHAIRPERSON REID: You are?

4 MR. EDGECOMBE: Gene Edgecombe.

5 CHAIRPERSON REID: Yes, your name for the
6 record. Thank you.

7 MR. EDGECOMBE: One small point. I have heard
8 both on the pro and the con side a concern about some of the
9 troubled multi-family units out there in their community,
10 which I find very interesting. Because I have had
11 conversations with District officials over the years,
12 including Richard Montiele just recently. All of my work I do
13 is either in the city or inside the beltway. The project that
14 we are doing out in Prince George's County off of 202 was also
15 a troubled multi-family complex. It had all the troubles you
16 could name. And the Prince George's County government made a
17 decision that that troubled complex should go. The
18 opportunity exists here to do the same thing where there are
19 troubled units. Essentially what we did was to come in and
20 provide beneficial new single family homes for reasonable
21 prices. And when I say reasonable prices -- someone sort of
22 intimated that -- sort of gave an elitist status to middle
23 income housing. Let me just say this, on our Woodridge
24 houses, probably a third of our buyers were single parents.
25 One of our first buyers was a single parent police officer, a
26 female police officer. And the reason why we could do that

1 was because the prices were affordable. So we would transfer
2 the same idea to building here. And one of the reasons why we
3 could do it is because of the price that we are paying for the
4 land. So when you talk about giving back to the community,
5 the standards that we are building into those homes at the
6 base price, we could sell those houses out in the suburbs for
7 \$20,000.00 to \$40,000.00 more, and everybody knows it. But
8 because we get the land essentially underwritten, we are able
9 to build a quality house, comparable to what you would get out
10 in the suburb, for a much smaller price. I just thought I
11 would go on the record with that.

12 CHAIRPERSON REID: Thank you.

13 MR. FEOLA: Thank you for your indulgence, Madam
14 Chair and the Board. It has been a long day.

15 CHAIRPERSON REID: All right, Mr. Feola.
16 Obviously we cannot be able to make a decision in this case
17 today. We have parties in opposition. However, at our next
18 scheduled meeting, which would be --

19 MR. HART: Our next scheduled meeting will be
20 June 2.

21 CHAIRPERSON REID: June 2? Okay.

22 MS. KING: Will that give you sufficient time
23 to meet with the Park Service?

24 MR. FEOLA: We would like to try, Madam Chair. I
25 mean, we would like to push it along. One of the frustrations
26 I think -- it may have come out more harshly than I meant it -

1 - was we have been trying to get the Park Service to focus on
2 this for quite some time and we were unable to. I think a
3 deadline on us and on them would be helpful to make the
4 process move along.

5 CHAIRPERSON REID: Okay. Let's do a timeline.

6 MR. FEOLA: There are also other things that you
7 asked for in the record too.

8 CHAIRPERSON REID: Yes. We are going to go
9 over those now.

10 MR. HART: Let me talk a little bit here.

11 CHAIRPERSON REID: All right.

12 MR. HART: I have been moving around some
13 figures and the end figure is for aiming at the June 2
14 meeting. Now my concern is that there are quite a few things
15 -- I don't have them listed -- but things that have been asked
16 for. Some that can be produced rather rapidly, but some that
17 are rather time consuming. So I think you should give me an
18 idea. Because I have some days here with a deadline of June
19 2, and I am talking about ten days for now for -- I don't know
20 if you want to get the submission responses and so on. So I
21 would prefer that you give me a date that you can work with to
22 meet your request from the Board, and then we will back our
23 way in from that. Because it would be presumptuous of me to
24 say you can do this in the next 10 days and you've got to meet
25 with the feds.

26 MS. KING: The comprehensive plan --

1 MR. FEOLA: I think the applicant can file all
2 the things it needs to file with this Board and the Park
3 Service and the neighbors within 7 days.

4 MR. HART: Within 7 days.

5 MR. FEOLA: And give us a week to work with the
6 Park Service.

7 MR. HART: Okay. All right, listen to what I
8 have here. You can file -- moving from today, if you can file
9 everything that you need to file within -- I have put it to
10 the 17th. Listen. Between the 17th and the 24th, which is a
11 week, that will give me time to get it to the Board members.
12 Is that workable?

13 MR. FEOLA: Yes.

14 MR. HART: But can you say this without even
15 talking to the feds?

16 MR. FEOLA: Yes. I am sorry?

17 MR. HART: Can you say this without talking to
18 the federal people?

19 MR. FEOLA: National Park Service?

20 MR. HART: Yes.

21 MR. FEOLA: We can get -- as I was eluding to
22 before, Mr. Anderson has done all the work.

23 MR. HART: All right.

24 MR. FEOLA: We can get the Park Service all the
25 information they need on the wetlands and the view sheds and
26 the whole 9 yards tomorrow.

1 MR. HART: Okay.

2 MR. FEOLA: And we can get it to the Board --

3 probably it would need to be polished up a little bit for

4 submission -- by the end of the week. So, again, if we can

5 keep pressure on the Park Service to respond -- they may still

6 not like it. I don't mean to suggest that we will convince

7 them.

8 MR. HART: Yes.

9 MR. FEOLA: But they will have an opportunity to

10 say that in writing.

11 MR. HART: There is another thing. You say you

12 can get it together within a week to get it to the Board, but

13 I don't think the Board wants to see it within a week without

14 you talking to the Park Service.

15 CHAIRPERSON REID: Right.

16 MR. FEOLA: That is fine.

17 MR. HART: So you need to get together --

18 MR. FEOLA: June 17th works fine.

19 MR. HART: Fine. Which would be a Monday --

20 no, not June. May 17th.

21 MR. FEOLA: May 17th. Right, I am sorry.

22 MR. HART: That would be a Monday. And a week

23 from that Monday you would have everything to us here at

24 Zoning for me to get it to the Board. All right?

25 MR. FEOLA: Sure.

26 MS. KING: Now what about the time for the

1 parties to reply?

2 MR. FEOLA: Well, if they got it on the 17th,

3 they would have until typically the 24th.

4 MR. HART: The 24th.

5 MS. KING: Okay.

6 MR. FEOLA: In which case it still gives Mr.

7 Hart opportunity to look at that.

8 MS. KING: Now I asked you for information

9 about --

10 MR. HART: The comprehensive plan.

11 MS. KING: The comprehensive plan and about the

12 25-year covenant.

13 MR. FEOLA: Yes. And something else?

14 CHAIRPERSON REID: The --

15 MR. FEOLA: I wrote it down. You asked for

16 something else, Mrs. King, as I recall. The Department of

17 Public Works.

18 MR. GILREATH: The wetlands and the view shed.

19 You are going to talk to the Park Service about the height of

20 those buildings and so forth.

21 MR. FEOLA: Yes, the vistas.

22 CHAIRPERSON REID: Mr. Hart, do you have all

23 these things written down?

24 MR. HART: Yes, yes.

25 CHAIRPERSON REID: Do you have the -- the first

26 thing was the submission from the applicant --

1 MR. FEOLA: The Fair Housing Act. Mrs. King
2 asked about the Fair Housing Act.
3 CHAIRPERSON REID: And the environmental
4 impacts. And then a response from the National Park and
5 Planning in a week.
6 MS. KING: Oh --
7 CHAIRPERSON REID: Wait. Just a moment. And
8 then a week from that --
9 MS. KING: The exclusion of seniors. That was
10 it.
11 MR. FEOLA: Yes, that is Fair Housing Act.
12 CHAIRPERSON REID: Okay. So you have that?
13 MR. HART: Yes.
14 CHAIRPERSON REID: Then the section of the
15 comprehensive plan that was eluded to in Mrs. Ambrose's
16 letter. The --
17 MR. HART: Did we solve the discussion
18 explaining about non-discrimination and discrimination?
19 CHAIRPERSON REID: That is what she was saying.
20 Fair Housing information regarding not being able to offer
21 senior citizens discounts.
22 MR. HART: Okay.
23 CHAIRPERSON REID: And an explanation that Mr.
24 Feola was going to supply us with in regard to the -- what was
25 the other thing Mrs. King asked for?
26 MS. KING: We just talked about it. The comp

1 plans --

2 CHAIRPERSON REID: Public Works.

3 MS. KING: Oh, DPW's assessment of the --

4 to back up what the traffic plan is.

5 MS. KING: In response to Mr. George's traffic

6 study.

7 MR. HART: Oh, okay.

8 CHAIRPERSON REID: The traffic report.

9 MR. HOOD: Madam Chair, can I also ask -- I

10 don't know where we are, just to still have some deliberations

11 with the community?

12 MR. FEOLA: Absolutely.

13 MS. BAILEY: Madam Chair, our workload is such

14 that if the applicant could get the information or request it

15 from DPW, that would help us tremendously, and just keep a

16 documentation. Because we are too overworked.

17 MR. FEOLA: We will be happy to do that. As I

18 mentioned before, we asked the Board --

19 MR. HART: I am glad she said that, because I

20 assumed you were going to do the DPW thing.

21 MR. FEOLA: We can do that.

22 MR. HART: Okay. Fine.

23 MR. FEOLA: If the Board will give DPW a date

24 which it would like a response by, that could prod Mr.

25 Bobbitt.

26 MS. BAILEY: Those dates that you were given.

1 MR. FEOLA: Okay. That will work.

2 MS. KING: But let's send a memo from here
3 saying that we want a comment and that Mr. Feola is going to
4 provide him with the information to comment on.

5 MR. GILREATH: I would suggest in terms of the
6 environmental impact that you use the term environmental
7 evaluation. Because impact and assessment are almost legal or
8 technical terms. Evaluation is a much more preliminary kind
9 of --

10 CHAIRPERSON REID: I think that is what Mr.
11 Feola is going to be working with the National Park and
12 Planning Commission -- whatever you want to call it, a report
13 or evaluation or analysis.

14 MR. FEOLA: Assessment and impact statement have
15 very specific terms.

16 CHAIRPERSON REID: Right. We know what that is
17 going to consist of, and that is what we want to have
18 submitted.

19 MR. HOOD: May I just interject something that
20 Mr. Feola said earlier. Even though it may not be in our
21 jurisdiction, but part of our charge is to protect the safety
22 and health of the residents and the citizens of the District
23 of Columbia. I just want to put that on the record.

24 CHAIRPERSON REID: Adverse impact.

25 MR. FEOLA: You are right.

26 MS. KING: And that would include the rubble

1 fill. Information about the rubble fill, that will be part of
2 what you give us and what you discuss with the National Park
3 Service?

4 MR. FEOLA: Yes.

5 MS. KING: Not only the wetlands issue, but the
6 rubble fill issue. The stability of the rubble fill to
7 maintain the level of development that you are proposing.

8 MR. FEOLA: Right.

9 MS. KING: As well as the sight line question
10 and the erosion and run-off from the rubble.

11 MR. GILREATH: The Park Service representatives
12 have gone, have they not?

13 CHAIRPERSON REID: Yes.

14 MS. KING: Yes.

15 MR. GILREATH: If we make expect them to make a
16 reasonable effort to meet with them and cooperate in assessing
17 this. If we were to ascertain the Park Service had not made a
18 reasonable effort, can we somehow say this would be
19 prejudicial to the Park Service interest? The idea is if they
20 just obstruct and delay and do not cooperate, I don't think
21 they should get off scott free. How are we going to do this?

22 CHAIRPERSON REID: Well, we would move forward
23 with basically what we have before us. And as Mr. Feola said,
24 we would handle the zoning aspect of it as far as our decision
25 is concerned, and then they still have to go through the
26 permitting process, which would include environmental impacts.

1 So that is the best we can do.

2 MS. KING: And as we did in two cases this
3 morning, if we are dissatisfied with the information we have
4 received at the time that we are scheduled to make a decision,
5 we can postpone the decision pending the arrival of additional
6 information.

7 CHAIRPERSON REID: We could that as well.

8 MR. GILREATH: So if the applicant comes back
9 in and says they have made a good faith effort to meet with
10 the Park Service and we feel that is credible, to my mind the
11 Park Service is abrogating its right to receive any kind of
12 additional weight.

13 MS. KING: You are the federal representative
14 here.

15 MR. GILREATH: Well, I know. That is exactly
16 right. But the federal people --

17 MS. KING: But don't just sit back and do
18 nothing. You have to make sure that they do it.

19 MR. GILREATH: Well, either I or the Board or
20 somehow they can vote. Anyway, to my mind, as one board
21 member, if we feel the Park Service has not made a reasonable
22 -- the key word is reasonable -- a reasonable effort to
23 cooperate and assess this, then I would be disinclined to give
24 the Park Service any significant weight in what they have said
25 already. By not showing up, they are forfeiting their right to
26 have a say in something. But I hope they will. I am not just

1 saying --

2 MR. FEOLA: Oh, they will.

3 MR. GILREATH: Okay. So it is a moot question.

4 CHAIRPERSON REID: All right. Now, do we have

5 everything?

6 MR. HART: Yes.

7 CHAIRPERSON REID: Then we can go on to the

8 next case. You may want to submit our proposed findings or a

9 draft order of proposed finding. Okay? Thank you very much.

10 MR. FEOLA: Thank you very much.

11 MS. KING: Please clear the room as quickly as

12 possible. We have two more cases. And while you are clearing

13 the room, please be quiet.

14 MS. KING: Okay. In our opening remarks, I

15 said that we would make an assessment at 6:00 to basically get

16 a status and to inform everyone as to whether or not we are

17 going to go beyond, and obviously we are because it is past

18 6:00 now. But we anticipate that we have two more cases, both

19 of which should not take terribly long. So we are going to

20 continue and hopefully our aim is to wrap up at approximately

21 7:00.

22 MR. HART: Application 16458 of the Estate of

23 Jeane Dixon and the Jeane Dixon Revocable Trust. Pursuant to

24 DCMR 3108.1 for a special exception under Subsection 508.1,

25 convert existent vacant buildings to office use in the

26 DCOD/SP-1 District at premises 1765 N Street, N.W., Square

1 158, Lot 810. Please rise those who intend to testify.

2 (WITNESSES ARE SWORN.)

3 MS. KING: Madam Chair, before we go into this
4 case, I should say that Jeane Dixon was a friend of mine while
5 she was alive. I also knew her husband. I know nothing about
6 this case except what I have read in the documents. Without
7 objection, I will not recuse myself from this case. But I
8 should let you know that I --

9 CHAIRPERSON REID: Just to disclose it. Do you
10 feel it would impair your ability to make a --

11 MS. KING: No, not at all.

12 CHAIRPERSON REID: You can be objective on this
13 case. Fine, no problem. Mr. Collins?

14 MR. COLLINS: Thank you, Madam Chairperson and
15 members of the Board. My name is Christopher Collins with
16 Wilkes, Artis, Hedrick and Lane. Seated to my left is Sarah
17 Shaw of our office. Seated to my right is James Gaudino, the
18 Executive Director of the National Communication Association,
19 the contract purchaser of the property. Seated to my far
20 right is Robert Morris of Robert L. Morris, Inc., a
21 transportation consultant for this project.

22 CHAIRPERSON REID: Mr. Collins, the reason why
23 I was addressing you was because I wanted to stipulate that in
24 this particular case, there is no opposition and --

25 MS. KING: Is there -- we are sure there is no
26 opposition? No one here is in opposition?

1 CHAIRPERSON REID: No one stood up to be sworn.
2 So just for purposes of certainty, is there anyone here in
3 opposition or in support? Okay, so you all are it. And --

4 MR. COLLINS: We are in support. We are not in
5 opposition.

6 MS. KING: And we have read the documents.

7 CHAIRPERSON REID: Given the lateness of the
8 hour, we can expedite this case. The Board members have read
9 the material that has been submitted, and it is a pretty
10 straightforward case. I don't think that there was a
11 submission by the ANC. So our assumption is that they have no
12 opposition. And we have no government reports. We don't have
13 any other letters in this file of opposition or support. So
14 basically just give us the highlights so we can just move
15 forward through this relatively quickly.

16 MR. COLLINS: Very well. The highlights are
17 that this building is on the north side of N Street adjacent
18 to the National Association of Broadcasters to the west. If
19 you look at exhibit A on pages 7 and 8 of the statement of the
20 applicant, you will see that we are within a very, very short
21 distance, almost proximity to the Connecticut Avenue
22 commercial corridor. We are directly across the street from
23 an 8-story office building zoned C3-C, a 90-foot office
24 building. The purpose of this application is to use the
25 building for office purposes with no exterior changes except
26 for a plaque identifying the occupant and additional the

1 National Communication Association will provide a handicapped
2 accessibility way by excavating a portion of a passageway in
3 the front of the building. It is now raised on a slight
4 terrace. You walk up to the first floor. So that the
5 basement is actually at the same grade or approximately the
6 same grade as the sidewalk. So there will be some cutting
7 into the hillside for that. That will have to go through the
8 Historic Preservation Review Board. That has not been done
9 yet. We are waiting for indications from this Board. We are
10 comfortable that that will be approved. It has been approved
11 on many other occasions. We have a very qualified architect,
12 Mr. Eric Colbert, who is working with the National
13 Communication Association on that project.

14 The requirements for Office use in the SP zone
15 are set forth in Section 508, and we have set them forth in
16 our statement of the applicant, which you have read. Those
17 particular qualifications are listed on pages 3 through 6. We
18 can either at this point go through them or stand on the
19 statements in our written submission and answer your questions
20 at this time.

21 CHAIRPERSON REID: I think that in this
22 instance, Mr. Collins, we can stand on your submission because
23 we have read through each section and I do not have any
24 questions. Unless any Board members have questions, it seems
25 that you responded to each of the segments of that section
26 most adequately in your submission. It was very succinct.

1 MR. COLLINS: Well, if you have any questions
2 or I could ask Mr. Gaudino if he would like to make a few
3 comments.

4 CHAIRPERSON REID: Sure. Sure.

5 MR. GAUDINO: My name is James L. Gaudino. I
6 am the Executive Director. I reside at 6206 Labelle Court in
7 Springfield, Virginia. Just a bit about the National
8 Communication Association. We are an academic association
9 founded in 1914, 501C3. We exist to promote research,
10 teaching and practice of the scientific, humanistic, and
11 artistic principles of human communication. We have a staff
12 of 15 full-time employees. We do the normal academic
13 association activities, conferences, conventions, academic
14 journals, and so forth. We desire a relocation from Virginia,
15 which is where our offices currently are in Annandale,
16 Virginia, to Washington, D.C., primarily because of the
17 proximity it affords to the other associations and agencies
18 that we work with fairly frequently.

19 To give an example of the kind of member or the
20 kind of person that belongs to our association, he was here
21 earlier but had to leave for some duties back at Howard
22 University. Orlando L. Taylor, who is the Dean of the
23 Graduate School of Howard University, formerly the Dean of the
24 School of Communication at Howard University. He was recently
25 elected our president and fortunately for us resides in
26 Washington, D.C. So that is an example of the kind of

1 scholarship that we represent. He is a noted scholar in
2 language acquisition and in intercultural communication. And
3 with that brief statement about who we are and why we would
4 like to relocate into Washington, D.C., I will open myself up
5 for questions.

6 MS. KING: There were -- in your presentation
7 you talk about 15 staff and that that will not increase I
8 gather.

9 MR. GAUDINO: We have no plans to increase them
10 in the foreseeable future, that is correct.

11 MS. KING: You don't anticipate that it would.
12 And three to four visits per week on an average?

13 MR. GAUDINO: On an average, correct. Yes,
14 ma'am.

15 MS. KING: And what I am thinking about -- I
16 mean, I am predisposed to move that we grant this application,
17 but whether or not -- I am curious as to whether or not -- I
18 think we need to put a condition that you will provide parking
19 in a nearby lot for a specific minimum number of employees,
20 and I wondered what that minimum number would be.

21 MR. GAUDINO: Yes, ma'am. We have talked to
22 our employees obviously extensively about this because it is a
23 major change in their lives. Most of them currently -- our
24 current employees -- and we will, I should state, will
25 probably lose some of our current employees and be rehiring
26 new employees, I suspect more from the local area than now.

1 Some of the people work for us --

2 MS. KING: Try and hire District residents.

3 MR. GAUDINO: -- simply because of where we are
4 located. But we have pledged to our employees that we will
5 provide parking for any of those who demand to drive into the
6 district, and there is a parking lot immediately across the
7 street with available spaces.

8 MS. KING: But I mean if we are going to
9 enshrine it in an order and probably say you will always
10 provide a minimum of X number of spaces.

11 MR. GAUDINO: That is fine. We are also going
12 to provide an association only carpool.

13 MS. KING: And what is that minimum number?

14 MR. GAUDINO: Eight would be fine.

15 MR. COLLINS: Wait a minute. You are not
16 talking about the carpool.

17 MR. GAUDINO: We are going to also provide a
18 carpool. We are going to lease a van and haul those employees
19 or transport those employees that live in clusters into the
20 District and then park that van across the street. Now some
21 may elect not to do that obviously.

22 MS. KING: I mean, it seems to me that to just
23 say you will provide parking in a nearby lot, that could be
24 one space for you or one space for the president, which
25 doesn't address the parking impact on that neighborhood and
26 the fact that your employees would probably have to walk a

1 mile in order to park on the street. I mean, we all know the
2 area. So if we are going to put parking in the order, just you
3 all give us a ballpark minimum number.

4 MR. COLLINS: The zoning requirements --

5 MS. KING: What are the zoning requirements?

6 MR. GAUDINO: I thought you said three.

7 MR. COLLINS: Three -- I think the zoning
8 requirement is three. Actually, if parking were required. It
9 is a contributing building in a historic district where none
10 is required.

11 CHAIRPERSON REID: So your parking requirement
12 has been waived?

13 MR. COLLINS: That is right.

14 CHAIRPERSON REID: And the parking that you
15 have indicated within your submission that you are going to be
16 providing is basically a courtesy, paying for the employees
17 who desire to drive to work?

18 MR. COLLINS: Who desire to drive to work.

19 MR. GAUDINO: We also are willing to pay our
20 employees' mass transportation costs, be it Metrorail or bus.

21 CHAIRPERSON REID: And also that the Metrorail
22 -- the Dupont Circle Metro is approximately two blocks from
23 this site, as well as the fact that you just mentioned that
24 you are also going to provide a carpooling van to offset the
25 impact of parking.

26 MS. KING: Are you suggesting, Madam Chair,

1 that we shouldn't put any condition regarding parking?

2 CHAIRPERSON REID: No. I think that with what
3 you just stipulated and Mr. Gaudino has agreed to provide that
4 parking. So by all means, we would certainly accept that.

5 MR. GILREATH: We are going with what? Three?

6 MS. KING: A minimum of three parking in a
7 nearby lot.

8 MR. GILREATH: That is reasonable with the
9 carpool and Metro and all that.

10 MS. KING: I don't think given the area that we
11 need to stipulate -- I mean, clearly the occupancy permit,
12 which we have nothing to do with except that they can't get it
13 without our -- will dictate the number they are able to cram
14 into that building and the auxiliary building in the back.
15 Given the neighborhood, I don't think we need to specify days
16 and hours of operation or maximum number of visits per week
17 and so forth. That is a highly commercial -- you know,
18 regardless of the zoning on Jeane's property, it is a highly
19 commercial area with hotels and offices and restaurants and so
20 forth.

21 CHAIRPERSON REID: I had one question, Mr.
22 Collins, in regard to your self-certification form that you
23 submitted. There was a letter of authorization by the owner
24 who -- well, the personal representative of the estate, who is
25 an Evelyn Dwyer. And then the certification is signed by Mr.
26 Gaudino.

 MR. COLLINS: Yes.

1 CHAIRPERSON REID: That strikes me as being a
2 little odd.

3 MR. COLLINS: Well, the application -- the
4 application was the Estate of Jeane L. Dixon and Jeane Dixon
5 Revocable Trust. The contract purchaser is the National
6 Communication Association. And I believe there are two
7 letters in the file.

8 CHAIRPERSON REID: Yes, I see another letter.
9 This one is from Evelyn Dwyer and the other one is the law
10 firm of Wilkes, Artis, Hedrick and Lane representing the
11 National Communication Association.

12 MR. COLLINS: Right.

13 CHAIRPERSON REID: All right. And then --

14 MR. COLLINS: And then the National
15 Communication Association authorized us to proceed and they
16 are named as the -- actually, they should have been named as a
17 co-applicant here. It wouldn't have changed the degree of
18 relief necessary.

19 CHAIRPERSON REID: No.

20 MR. COLLINS: They are the contract person.
21 They have a property interest in the property.

22 CHAIRPERSON REID: That is just a technical --

23 MR. COLLINS: Yes.

24 CHAIRPERSON REID: So you are saying that
25 Evelyn Dwyer should also sign the self-certification form?

26 MS. KING: No. Actually nobody has to -- that

1 I think we have discussed I think once before. As long as the
2 -- according to the regulations, the architect or the attorney
3 is the person who self-certifies. And the fact that the DCRA
4 printed a form that requires the owner's signature is not
5 according to law. So it really is redundant.

6 CHAIRPERSON REID: Mrs. King, let me clarify
7 that for you. I do remember us having that conversation
8 before when there was no signature on this form and I asked
9 about it and the information that was proffered at that time
10 was incorrect. And I later talked to the director who
11 corrected that herself and said that by all means that is why
12 the signature is there. Because it then authenticates the
13 certification. So this is why I was bringing it up as a
14 technical matter. The fact that I saw two different names for
15 the owner. So what you are saying, Mr. Collins, as I
16 understand it, is that the estate -- Evelyn Dwyer is
17 authorized -- the law firm of Wilkes, Artis, Hedrick and Lane
18 --

19 MR. COLLINS: To file the application on behalf
20 of the owner.

21 CHAIRPERSON REID: To file on behalf of the
22 owner.

23 MR. COLLINS: Which is the estate.

24 CHAIRPERSON REID: Which is the estate. Okay.
25 Now, but again, it is not signed -- it is signed by the
26 contract holder.

1 MR. COLLINS: Right. It is signed by the
2 contractor and we have been authorized to act on behalf of the
3 owner. We have signed where it says agent. We probably could
4 have signed where it says owner as well as the owner's
5 representative.

6 CHAIRPERSON REID: No. You wouldn't sign --
7 you would sign it just as you signed it. You did it
8 correctly. It is the other signature that I was questioning.

9 MR. COLLINS: Yes.

10 CHAIRPERSON REID: Okay. Well, I guess since
11 we do have authorization from your law firm to represent the
12 contract holder and the owner, maybe what we should do is also
13 just have the actual owner of this particular property to sign
14 this document, and we will just -- just as a technicality.

15 MS. KING: So are we going to delay our
16 decision until we receive that document?

17 MR. COLLINS: We promise to submit it.

18 CHAIRPERSON REID: It should have been signed.
19 And also Ms. Bailey is pointing out to me that the Office of
20 the Zoning Administrator has not signed it either.

21 MR. COLLINS: I believe that we have a copy
22 that is signed. We must have put the wrong one in.

23 CHAIRPERSON REID: Oh, you do? I am a real
24 estate practitioner. So I am a stickler for signatures and
25 contracts.

26 MR. COLLINS: I understand.

1 CHAIRPERSON REID: And it doesn't mean a thing
2 unless it has the correct signature affixed. And I just want
3 to make sure that we proceed properly.

4 MR. COLLINS: All right. Could I ask that we
5 ask for your decision when we get to that point as
6 expeditiously as possible, including maybe even today, and
7 then we would submit the required signature prior to your
8 issuance of your written order?

9 CHAIRPERSON REID: Absolutely. We wouldn't
10 hold it up because of that. That is just a mere technicality.
11 It is just to make the record straight. That is all.

12 MR. COLLINS: Sure.

13 MS. KING: Therefore, I move, Madam Chair, that
14 we grant this application.

15 CHAIRPERSON REID: Well, excuse me, before we
16 do that, Mr. Collins, did you have any closing remarks?

17 MR. COLLINS: No, I don't. I think Mr.
18 Morris's report is fine.

19 CHAIRPERSON REID: Mr. Morris, you would have
20 nothing to say?

21 MR. COLLINS: I would be happy just to explain
22 to you why you have neither an ANC nor an OP report. I spoke
23 to them before. What we did with the associations -- they
24 were very interested in moving forward with this project but
25 did not want to encounter a project with significant
26 opposition. So we called the ANC Chairman before even filing

1 the application to request information or visit actually or a
2 discussion as to whether they felt that this was something
3 they could either support, oppose, or stay neutral on. And we
4 got feedback -- I got personally feedback from the ANC Chair,
5 who said -- to paraphrase his words, this looks like a great
6 place for an office. Then we spoke with the Office of
7 Planning and asked given the ANC's input and the case and
8 shared with them a draft of our statement, and they determined
9 that they didn't think there was anything that they could add.
10 So that is why, no, they are not here.

11 CHAIRPERSON REID: Typically when we don't get
12 anything from the ANC, we assume that they are not in
13 opposition. Because if they were, they would be here and they
14 would let us know. All right. Mrs. King?

15 MS. KING: I move that we grant this
16 application with the sole condition that they provide at all
17 times a minimum of three parking spaces in a nearby garage for
18 the use of their staff.

19 CHAIRPERSON REID: Okay.

20 MR. GILREATH: And I second the motion. I
21 think this is an appropriate use of the area where there is a
22 lot of office on this particular block and across the street
23 from other office buildings. So it is a very compatible use.

24 CHAIRPERSON REID: I concur. I think that they
25 have met their burden of proof. They have satisfied the
26 requirements under the section --

1 MR. COLLINS: 508.

2 CHAIRPERSON REID: Under Section 508. And there
3 does not appear to be any adverse impacts to the granting of
4 this application as well as the fact that it does not seem to
5 impair the integrity or intent of the zoning regulations and
6 map. Mr. Hood, did you --

7 MR. HOOD: I think everybody has covered it and
8 I concur.

9 CHAIRPERSON REID: Okay. All in favor?

10 ALL MEMBERS: Aye.

11 CHAIRPERSON REID: Opposed?

12 MS. KING: Bench order and summary judgment?

13 MR. HART: Staff records the vote as 4 to 0 to
14 grant, Mrs. King, Mr. Gilreath, Ms. Reid, and Mr. Hood. There
15 is a summary order.

16 CHAIRPERSON REID: We are assuming that you
17 want a summary order bench decision.

18 MR. COLLINS: Yes, please.

19 CHAIRPERSON REID: You will have your order in
20 about two weeks.

21 MR. COLLINS: Great.

22 CHAIRPERSON REID: And good luck.

23 MR. COLLINS: Thank you very much.

24 MR. HART: The next case is application 16460,
25 Washington Community Fellowship, on behalf of Urban Family
26 Development, Inc., pursuant to 3108.1 for a special exception

1 under the provisions of section 206 to continue to operate a
2 private elementary school and increase from 45 students to 90
3 students and 10 staff on the basement, second and third floors
4 of an existing structure in an R-4 district at premises 907
5 Maryland Avenue, N.E. This is Square 937, Lot 85.

6 (WITNESSES ARE SWORN.)

7 MS. KING: Is anybody here in opposition to
8 this application? You are here in support?

9 CHAIRPERSON REID: Okay. Your name, ma'am?

10 MS. WILSON: My name is Jeanne Wilson.

11 CHAIRPERSON REID: And your address?

12 MS. WILSON: 2225 S Street, N.E., Washington,
13 D.C.

14 CHAIRPERSON REID: Okay. Ms. Wilson, in
15 interest of the time, and thank you for your patient waiting
16 all afternoon. Other cases took an awful long time. We would
17 like to expedite this particular case and as such just give us
18 the salient points. You don't have any opposition here. So
19 just give us the highlights of your case and demonstrate how
20 you comply with Section 206.

21 MS. WILSON: All right. What we would like to
22 do is increase our enrollment so that we can take our students
23 through the sixth grade. Right now, we have 22 students in
24 grades 1, 2 and 3. And we would like to add a grade 4 next
25 year, accepting up to 15 students, and then one grade each
26 year after as our children progress. And so --

1 MS. KING: And up to what year?

2 MS. WILSON: Sixth.

3 MS. KING: First through sixth grade?

4 MS. WILSON: Yes.

5 MS. KING: And 15 -- the goal being to have 15
6 children in each grade?

7 MS. WILSON: Yes. Now about Section 206. The
8 conditions that you need to discuss are noise, traffic, number
9 of students, and otherwise objectionable conditions. The
10 noise -- instruction and the lunch activities will be
11 conducted indoors, therefore the natural noise children make
12 during these activities will be contained. There is no
13 private property adjoining nor directly adjacent to the school
14 site. The play area is located off-site. The children will be
15 escorted and supervised by adults as they walk along E Street
16 to the Lovejoy School playground at 12th and E Street. You
17 can see there is a public alley on one side and a public alley
18 on the back. The annex where the school is faces the side of
19 an apartment building. This is the rest of the site, which is
20 in three parts with a sanctuary on the corner of 9th and
21 Maryland Avenue. The offices are here on Maryland Avenue.
22 They do abut a private residence, but the children are not in
23 and out of the offices. That is the church -- we use the
24 church offices.

25 So the children do not need to come in contact
26 with any of the residents or their front areas.

1 MS. KING: Where is 910 -- well maybe -- where
2 is 910 Maryland Avenue, N.E.?

3 MS. WILSON: All right. 910 Maryland Avenue is
4 about right here.

5 MS. KING: Essentially across the street from
6 your --

7 MS. WILSON: From the offices.

8 MS. KING: From the offices.

9 MS. WILSON: As I read Ms. Robinson's letter, I
10 got the impression that she has a misunderstanding about where
11 the children actually are. You see, she would be here. And
12 the school is here. And this is not a townhouse. It is a
13 three-story building with a basement and classrooms on --

14 MS. KING: Four different levels?

15 MS. WILSON: Yes. On at least three levels.
16 And the children enter and exit on 9th Street, nowhere near
17 where she lives. The children do not come in and out of the
18 townhouse, which is the offices of the church. And so I am a
19 little confused about her letter.

20 MS. KING: Are you licensed -- is your school
21 licensed by any authority?

22 MS. WILSON: No, it is -- we have membership in
23 the Association of Christian Schools International.

24 MS. KING: But I mean there is no --

25 MS. WILSON: In the District, no.

26 MS. KING: There is no licensure requirement

1 and that association imposes --

2 MS. WILSON: Not from the District of Columbia
3 Public Schools, no.

4 MS. KING: Or any other authoritative body?

5 MR. GILREATH: She doesn't have to have an
6 occupancy permit or something to that effect?

7 MS. KING: Oh, yes. She has to have an
8 occupancy permit. She is here because she needs an occupancy.
9 She was here last year because she needed an occupancy permit
10 and she now wants to expand the focus of the occupancy permit.
11 But I was just curious as to there is no licensure. I mean,
12 you are an independent school and you are not subject to
13 control or licensure by any authority anywhere?

14 MS. WILSON: Yes, except that we do comply for
15 accreditation.

16 MS. KING: But that is voluntary. I mean, you
17 don't have to do that.

18 MS. WILSON: Right. Correct.

19 MS. KING: And you have checked with DCRA to
20 make sure that if we grant you a doubling of the size of the
21 staff and a -- I mean a doubling of the size of the student
22 body and a tripling of the size of the staff that you would be
23 within the square foot whatever?

24 MS. WILSON: Yes.

25 MS. KING: For that number of human beings in
26 the building?

1 MS. WILSON: Right. Yes, we would be. The --
2 MS. KING: I mean the fire marshals aren't
3 going to close you down if we say yes?
4 MS. WILSON: No, no. We already -- the only
5 reason that we are back is because on our summary order, we
6 had conditions of 45. That was what we asked for at the time.
7 When we first started the process, that was about two years
8 ago. Last year we got to the hearing stage and we were
9 thinking small at the time. But now we see the need and the
10 students are coming, and so now we are back to ask for --
11 MS. KING: And when you say you want 10 staff,
12 that is 10 staff in addition to the four volunteers or
13 including the four volunteers?
14 MS. WILSON: Paid -- we are talking about paid
15 staff.
16 MS. KING: Ten paid staff and four volunteer
17 employees?
18 MS. WILSON: Well, volunteers. Volunteers come
19 and go. That is one reason that we are asking for 10 staff.
20 Because volunteers you can't count on. They come when they
21 can. That is the essence of being a volunteer.
22 MR. GILREATH: Those are part-time employees
23 then?
24 MS. WILSON: No, they are not employees at all.
25 We do not pay them. They are parents. They are people like
26 myself who are retired. They just come in to help.

1 MS. KING: I know. But it hasn't -- if they
2 are coming -- if you have people working with you as
3 volunteers on a regular basis, it does have an impact on the
4 surrounding community because they come with cars and they
5 come with traffic and you know -- noise and I don't know what
6 all.

7 MS. WILSON: Let me address the --

8 MS. KING: I think it would be a mistake for us
9 to -- I mean, essentially -- and what the Stanton Park citizen
10 or whatever -- I can't remember. I never know the difference
11 between citizens and civic. But anyway, the Stanton Park
12 Association has suggested that they have no objection to
13 amending your existing order so that it would still be five
14 years from the date of the original order or another four
15 years and just change the numbers. Now what you are asking is
16 that we change item 2 that says the number of students will
17 not exceed 45, and you want that to be 90.

18 MS. WILSON: Yes.

19 MS. KING: The number of staff shall not exceed
20 three paid and blank number of voluntary employees.

21 MS. WILSON: Yes. Well, we want 10 paid.

22 MS. KING: Ten paid and four voluntary
23 employees. Okay. And nothing else is to be changed?

24 MS. WILSON: Correct.

25 MS. KING: That is it?

26 MS. WILSON: Yes.

1 MR. GILREATH: Before we said one parking space
2 for the submission --

3 MS. KING: No, no. All of it -- you see, what I
4 am suggesting is that we will amend -- instead of issuing a
5 new order, that we would amend order number whatever.

6 MR. GILREATH: Well, I agree with that. I am
7 just saying in terms of -- I think does it say in the old one
8 one parking space?

9 MS. KING: All of that stays in.

10 MR. GILREATH: Well, you have 10 employees now
11 instead of five. What they say is that they have nine
12 available parking spaces that belong to the church. Are those
13 on the church property, the parking spaces?

14 MS. WILSON: No, they are on the street. No
15 limited parking here and here. And --

16 CHAIRPERSON REID: What kind of parking?

17 MS. WILSON: No limits. There is no two-hour
18 limit or anything.

19 CHAIRPERSON REID: Aren't you required to
20 provide off-street parking?

21 MS. WILSON: No. If you look at the first page
22 of the summary order in section A, you will see the action of
23 your board last time.

24 MS. KING: Well, that was for three employees.
25 For each three employees, you have to have one off-street
26 parking space.

1 MS. WILSON: No, wait a minute. Let me get to
2 it. The third paragraph of the summary order in Section A.
3 MS. KING: Oh, it is the Capitol Hill Historic
4 District.
5 MS. WILSON: And then the last paragraph just
6 before where it says vote on page 2 of the summary order.
7 MS. KING: They are in a historic district and
8 therefore the historic preservation officer indicated that the
9 parking requirement could be waived.
10 MR. GILREATH: But we still need to make sure
11 that there is adequate parking.
12 CHAIRPERSON REID: It said could be waived.
13 And then it said -- in this submission, it says reference
14 having submitting something to the Historic Preservation and
15 have they waived it? Actually waived it -- waived the
16 requirement?
17 MS. WILSON: Well, if you will look at the last
18 paragraph down there, this Board made a decision.
19 CHAIRPERSON REID: Which document? The summary
20 order?
21 MS. WILSON: Page 2 of the summary order.
22 CHAIRPERSON REID: Okay.
23 MS. WILSON: Look under number 9.
24 CHAIRPERSON REID: Okay.
25 MS. KING: Nine is adequate trash removal.
26 MS. WILSON: Under number 9. The paragraph

1 under number 9.

2 MS. KING: What we waived there was the
3 requirement for -- that is --

4 CHAIRPERSON REID: Findings of fact and
5 conclusions of law.

6 MS. KING: That you didn't have to write a
7 draft mayor's order for findings of fact and conclusions of
8 law. Nor did we.

9 MS. WILSON: Okay.

10 MS. KING: So that is what that was waiving.

11 MS. WILSON: All right.

12 MS. KING: Mr. Gilreath, I remember this case
13 from last year, and we did have testimony and evidence at that
14 time, including photographic evidence at specific hours of the
15 day as to the parking conditions in that neighborhood, and I
16 don't recall.

17 CHAIRPERSON REID: But what we have to comply
18 with is what the regulations require and if the regulations
19 require one space for every three employees or staff members,
20 then 90 -- let me see.

21 MR. GILREATH: 10 employees and --

22 CHAIRPERSON REID: I am sorry, with 10
23 employees, you would then need a minimum of three parking
24 spaces -- on-site parking spaces.

25 MS. KING: Except that they are in a historic
26 district. So what she needs to do is to get another letter

1 from the historic preservation officer saying that in spite of
2 the fact that she is increasing the number of staff, she
3 doesn't need to have --

4 MS. WILSON: All right. That is good. I will
5 do that. But I just want to also let you look at the pictures
6 in Section D of the addendum. On page D-1, you see the front
7 of the church on Maryland Avenue. And this is taken on April
8 13 at 2:00. These are unrestricted spaces. And the picture
9 at the bottom, that is on 9th Street, where the entrance to
10 the school is. They are unrestricted spaces. And if you will
11 open out page D-2, you will see on Maryland Avenue that here,
12 here and here, those are spaces available at that time of day.
13 And on Maryland Avenue, the fourth picture, you will see that
14 this parking here is free -- no time -- no two-hour limit.
15 And on page D-2 on Maryland Avenue, you will see the first
16 three pictures there have two-hour limits. And there are
17 spaces open during that time of day. And the fourth picture
18 is right here, where there is no two-hour limit. And then on
19 page D-3, you will see on 9th and 10th Street what the parking
20 is like in the middle of the day. And the fourth picture is
21 this area right here.

22 CHAIRPERSON REID: Okay. But Ms. Wilson, you -
23 - okay, go head.

24 MS. WILSON: So what I am saying is that even
25 when I bring the letter from the Preservation officer, we will
26 not be causing a hardship to the neighborhood because as you

1 can see there is plenty of parking. And all of these places
2 that you can park all day have plenty of parking, and they are
3 not more than two blocks from the building, which is not far
4 for an employee to have to walk.

5 MR. HOOD: Ms. Wilson, the pictures I am
6 looking at show that you have zone parking on D-3 and D-2.
7 Now I don't know what you --

8 MS. WILSON: Look at the last picture on each
9 page -- on D-2.

10 MR. HOOD: Oh, you are not referring to all the
11 pictures.

12 MS. WILSON: Right.

13 MR. HOOD: But you are saying -- the majority
14 of the pictures that you have here show that you have zone
15 parking.

16 MS. WILSON: Right. And only the ones that I
17 have highlighted here in the fourth picture on each page in
18 that area has unrestricted no zone.

19 MR. HOOD: And these were taken on a Sunday?

20 MS. WILSON: No. These were taken on April 13,
21 which was a Tuesday at 2:00 p.m.

22 MR. GILREATH: But really what we need is
23 simply she needs to bring in a letter from the Historic
24 Preservation Board.

25 CHAIRPERSON REID: That is all.

26 MR. GILREATH: And once they say that this 10

1 employees additional parking need -- that you can be exempted
2 from that, for me personally it is not important. I am
3 certainly willing to accept that you have ample parking there.
4 But they need to tell us that they are willing to waive it.

5 CHAIRPERSON REID: Right. That is correct.

6 MS. WILSON: Okay.

7 CHAIRPERSON REID: Okay. So go ahead and
8 proceed, Ms. Wilson, with the remainder of your case.

9 MS. WILSON: Okay.

10 MS. BAILEY: Ms. Wilson, was a letter submitted
11 with the last documentation from the Historic Preservation
12 Review Board?

13 MS. WILSON: Yes, it was. And --

14 MS. BAILEY: Do you recall their stamp on this
15 page as well?

16 CHAIRPERSON REID: I don't think so, Ms.
17 Bailey. Because in that instance it was low impact. It was
18 only one parking space needed. Now that she has doubled the
19 amount of students and tripled the amount of employees or
20 teachers, then that is triple the --

21 MS. BAILEY: But the Historic Preservation
22 Review Board is not going to say because you have 12 children
23 or 90 children that you can't have parking. I don't think
24 they would change their --

25 CHAIRPERSON REID: Oh, I see what you are
26 saying. Once they are exempt, they are exempt. It doesn't

1 matter if she comes back -- it doesn't matter if they come
2 back to the -- by virtue of the location in that district, if
3 they are exempted then that is just it. Okay, I see what you
4 are saying.

5 MS. KING: In fact the provision of the one
6 space is entirely voluntary.

7 CHAIRPERSON REID: And you do have that letter?
8 The letter that exempted you the first time?

9 MS. KING: Yes, it is in our file.

10 MS. BAILEY: Yes, it is in the file.

11 MS. KING: And it is cited in the --

12 CHAIRPERSON REID: In the summary order?

13 MS. KING: In our summary order.

14 Correspondence dated June 9, 1998 from the Historic
15 Preservation officer, who indicated that the site is located
16 in the Capitol Hill Historic District. This designation
17 allows the parking requirement to be waived.

18 CHAIRPERSON REID: Okay.

19 MS. KING: Accordingly, the application was
20 amended to delete the variance from the off-street parking
21 requirement.

22 CHAIRPERSON REID: Okay. You read that before
23 and I was interpreting it to mean that it could be waived or
24 may be waived. But I guess they are accepting the fact that
25 it has been waived and that is acceptable to me.

26 MR. GILREATH: But doesn't the responsibility

1 fall on our shoulders -- the Board members' shoulders?
2 Suppose she would come in -- she had a larger facility and she
3 said 50 employees. That would definitely be a parking
4 problem. So someone has to make the assessment. So I agree. I
5 think there is ample parking. But someone has to make the
6 determination if there is an adverse parking problem. We are
7 the ones who do it, I guess.

8 MS. KING: We are the only ones to do it. The
9 Historic Preservation Review Board says that since they are in
10 the Capitol Hill Historic District, as with all the other
11 historic districts, you are exempt from the parking
12 requirement.

13 MR. GILREATH: So from that they sign off and
14 then we are the ones who determine whether or not there is
15 going to be a problem with parking.

16 CHAIRPERSON REID: And another indication also
17 for us is that we don't see any opposition here.

18 MR. GILREATH: Yes, I agree.

19 CHAIRPERSON REID: Because if it was impacting
20 unfavorably, they would be here to oppose you.

21 MS. KING: Gail Robinson from 910 Maryland
22 Avenue, N.E., has opposed it on the basis of an increase in
23 street traffic and potential for accidents. The disturbance
24 of the peace and the quiet of the neighbors and the inability
25 to provide adequate playground and adequate means of minimum
26 safety and school facility physical plant codes. Now since

1 neither the ANC nor the Stanton Park Association, which did
2 respond, have raised those issues --

3 CHAIRPERSON REID: They were in -- the Stanton
4 Park Association was in favor.

5 MS. KING: Has -- was in favor. I think, you
6 know, we have given some attention to Ms. Robinson's letter,
7 but I think that other concerns are primary in this regard.

8 MR. GILREATH: Well, the play area -- you walk
9 these children to a particular play site?

10 MS. KING: Yes, off-site.

11 MR. GILREATH: Is that area sufficiently large
12 to accommodate the large number of students?

13 MS. WILSON: Okay. Here we are and here is the
14 play site.

15 MR. GILREATH: Is that a park? What is the
16 name of it?

17 MS. WILSON: No, it is a playground.

18 MR. GILREATH: Oh, a playground.

19 MS. KING: From an old school, is it not?

20 MS. WILSON: Yes.

21 MS. KING: It is a playground -- I heard this
22 so recently. It is a playground of a currently unused
23 District of Columbia Government Public School.

24 MR. GILREATH: Would you take all 90 kids over
25 there at one time or only certain numbers at a given time? In
26 other words, would 90 students overwhelm the site or do you

1 only take so many over at a given time?

2 MS. WILSON: This is the site. And you can see
3 how many house lots are located within this site.

4 MS. KING: No, but Mr. Gilreath asked does the
5 entire student body go to the playground every day at the same
6 time or do you take different classes at different times?

7 MS. WILSON: At this time, we take all of them.

8 MS. KING: Well, because you only have 22. But
9 when you have 90 --

10 MS. WILSON: When we have more, then we will
11 probably have two lunch periods. As you get larger, you make
12 adjustments. You have alternative plans. But this site could
13 hold about 300 kids.

14 MS. KING: All playing -- not all playing at
15 the same time. Really?

16 MS. WILSON: Yes.

17 MS. KING: Okay. Yes, it is the better part of
18 a block.

19 MR. GILREATH: Dropping -- when the parents
20 drop the children off with the larger number of students, is
21 that going to have any problem of traffic backing up behind
22 the parents? Do they arrive by car to bring their children to
23 a very large degree?

24 MS. WILSON: Of course any increase in people
25 will cause an increase in traffic. But we have tried to
26 offset that by having a drop off and pick-up pattern, which is

1 in Section C. And the parents sign on to that and it is
2 strictly enforced. So that people only drop children off
3 going north on 9th Street, and there are never two cars -- you
4 know, one going this way and one going that way so that no one
5 can get past. And there is no turning around in the alley so
6 that the street is blocked. The parents have been very
7 cooperative and we intend to enforce that covenant that they
8 sign with us.

9 MR. GILREATH: So you don't see -- even if they
10 are all coming one way that the parents dropping their
11 children off only takes maybe 10 seconds or so, so that you
12 don't expect a line of cars racking up?

13 MS. WILSON: No. And we have an adult who
14 greets the children there at the curb so that the parents
15 don't have to get out of the car.

16 MR. GILREATH: Is that a condition -- is that a
17 --

18 MS. KING: Drop-off and pick-up of the students
19 is identified in Exhibit 34, Section D of the record. But we
20 were very insistent upon all of this.

21 MR. HART: I mean in reference to the one
22 person that is sitting out there. Is that in --

23 MS. KING: Parents and guardians must approach
24 the school by heading north on 9th Street, N.E. from D Street,
25 using the alley adjacent to the building to drop off and pick
26 up students.

1 MR. HOOD: I just didn't see. I may have
2 missed it.

3 MS. KING: Oh, we could amend it by saying that
4 there will be an adult supervising the drop-off and pick-up.

5 MR. HOOD: Because I too have some concerns.
6 Let me just back up a little bit. About the playground being
7 two blocks away. But apparently this case was heard before
8 and I am sure all of that has been investigated. But taking
9 it up from 45 to 90, that is a big increase, especially right
10 now when you only have 22. But do you see in the foreseeable
11 future that this is going to escalate to 90 as opposed to --
12 because you don't even have 45 yet.

13 MS. WILSON: We don't know when it will
14 escalate to 90. We are hoping to purchase a building, but --

15 MS. KING: The building that you are in?

16 MS. WILSON: No. That building belongs to
17 Washington Community.

18 MS. KING: This is not -- this --

19 MS. WILSON: No. He just asked me a question.
20 Did I see it escalating to 90 at this site.

21 MR. HOOD: No, because my concern is --

22 MS. WILSON: And it is a possibility. That is
23 why we are asking.

24 MR. HOOD: Hold on just a second. You only
25 have 22 right now.

26 MS. WILSON: Right.

1 MR. HOOD: You only have 22 right now. You
2 haven't even reached the 45 yet, and you are asking already
3 for 45 to go to 90.

4 MS. WILSON: Yes. Because we could foresee
5 coming each year to do this. This is my second year. So we
6 asked for the capacity of the building.

7 CHAIRPERSON REID: So you don't have to come
8 back.

9 MS. WILSON: Yes.

10 MR. GILREATH: But you come back in five years
11 regardless.

12 MS. WILSON: Yes, five years.

13 CHAIRPERSON REID: But she doesn't have to come
14 back every year. She won't have to come back every year like
15 she just did.

16 MR. GILREATH: No. What I am saying is that
17 she doesn't have to come back until the fifth year. And if
18 she reaches 90, fine. But if she doesn't, she won't have to
19 come back.

20 CHAIRPERSON REID: Right. Mr. Hood, do you
21 think that you would like to have a condition on this order
22 such that only a certain amount -- no more than so many kids
23 would be escorted to the play area at any one time? Would
24 that give you a comfort level?

25 MR. HOOD: I don't know if we would want to --
26 I don't think they would take all -- they don't have 90 to

1 begin with. So I don't even need to speculate. They only
2 have 22. I mean, I am sure it was fine for them just taking
3 22. But I mean I was under the assumption that they were
4 going to have 90 kids -- they already have a plan for it and
5 the provisions are made and they know that they are going to
6 have 90 on the books.

7 CHAIRPERSON REID: But if they have 90, for
8 example, and we stipulate that they can only take 30 at one
9 given time to the playground, then they would have to stagger
10 that play time over a period so that it would be more
11 manageable. I mean I am just suggesting that just to address
12 your concern as a possibility. It doesn't have to be.

13 MS. WILSON: The children, I assure you, will
14 be escorted. We are very responsible and concerned about the
15 safety. We take the responsibility and the trust that the
16 parents have given us to heart. And the children are safely
17 escorted.

18 MR. HOOD: Your point is well taken. That is
19 fine. I just -- that is quite a bit of a ways there, but I
20 didn't hear the first part. I just can't -- my problem is
21 they have 22 right now, and they are asking for 90 and they
22 haven't even reached the 45. I understand trying to be --
23 looking to the future. I just have some concerns with that.

24 MR. GILREATH: It is hard to imagine. If you
25 have 10 employees, it is going to take all 10 to escort 90
26 children over to the playground. You won't have anyone left in

1 your facility -- administrative people to keep things going it
2 seems to me. To say that you would be permitted to take 90
3 over at one time seems a little bit overly generous to my
4 mind. So if we were to say a maximum of 45 at one time.

5 MS. WILSON: At a time?

6 MR. GILREATH: That would at least make it a
7 little more manageable.

8 CHAIRPERSON REID: Could you live with that?

9 MS. WILSON: I could live with that.

10 CHAIRPERSON REID: Okay.

11 MR. HOOD: Madam Chair, let me back up. The
12 ANC 6-A, were they in opposition or support?

13 MS. KING: They didn't make any reply.

14 MR. HOOD: They didn't make any. I know they
15 were here earlier to speak on that. Were they supporting you?

16 MS. WILSON: Yes. We presented before the ANC
17 6-A -- let me see, a zoning and licensing subcommittee on
18 April 14. And the vote was 5 to support us and one
19 abstention. And Mr. -- Chairman Purnell was here to make that
20 report. The whole ANC has not met. He said that he is going
21 to fax something back when he left. I don't know if he did.

22 CHAIRPERSON REID: But they were not in
23 opposition?

24 MS. WILSON: No, they were not in opposition.

25 CHAIRPERSON REID: Okay.

26 MS. BAILEY: Madam Chair, a staff person just

1 went to see if something came by fax. He should be back in
2 just a moment.

3 CHAIRPERSON REID: Thank you. All right, then
4 let's proceed on. We have gone over Section 206 I think
5 pretty thoroughly. And do Board members have any questions or
6 comments? Then there is no ANC report. We just talked about
7 that. No government report, except for the report from Mrs.
8 Nome Fatah, who stated that actually we didn't need --

9 MS. KING: That is not germane.

10 CHAIRPERSON REID: Yes, we didn't need to have
11 authorization from them. Then we had letters -- a few letters
12 in support of your application. And then we had -- was it
13 just the one in opposition, Mrs. King, from --

14 MS. KING: As far as I know just one in
15 opposition.

16 CHAIRPERSON REID: And we had indicated that
17 into the record. That was Ms. Robinson and you addressed
18 that. So do you have any closing remarks?

19 MS. WILSON: Just that I think that we have met
20 and can continue to meet the conditions required. We are
21 excited about the growth and progress that we are seeing in
22 our students. We value the support of the community and we
23 believe we have shown that this community is supporting us.
24 And we request a summary order of your decision.

25 MR. GILREATH: I make the motion that we
26 approve the application with the provision that it be a

1 continuation for the four-year period.

2 MS. KING: May I make a friendly amendment to
3 that? And perhaps the staff could tell us whether it is
4 kosher or not for us to amend our order rather than issuing a
5 new one.

6 MR. GILREATH: Okay. All right.

7 MS. KING: And could I make some suggestions as
8 to how we should amend?

9 MR. GILREATH: Well, that only 45 students
10 should be --

11 CHAIRPERSON REID: We are going to amend the --

12 MS. KING: We will amend --

13 CHAIRPERSON REID: Order #16341.

14 MS. KING: No change in the first provision so
15 that they come back in essence in four years. And number two,
16 the number of students shall not exceed 90. The number of
17 staff shall not exceed 10 paid and 4 volunteer employees. No
18 change in 3 and no change in 4. No change in 5. No change in
19 6. In 7, adequate off-site outdoor play space should be made
20 available for the children and the children should be escorted
21 to the off-site play area in groups no larger than 45.

22 MR. GILREATH: I have one question about the
23 volunteer employees. We had 4 for 45. If that is increased
24 to 90, wouldn't you need more than 4?

25 MS. KING: They have found that it is not very
26 efficacious to rely on volunteer employees.

1 MR. GILREATH: I know that. But in terms of --

2 MS. WILSON: And please, if you could not say

3 volunteer employees. Volunteers.

4 MR. GILREATH: Well, okay, volunteers. What I

5 am saying is if you said 4 would be adequate for 45, do you

6 feel 4 will be adequate for 90 students? Do you want to

7 increase that number a little bit?

8 CHAIRPERSON REID: I think that they did

9 indicate that they were going to increase.

10 MS. KING: I asked that question and she said

11 no.

12 CHAIRPERSON REID: How many -- okay, let's do

13 it like this. How many paid employees are you --

14 MS. WILSON: 10.

15 CHAIRPERSON REID: 10 paid employees.

16 MS. WILSON: We are asking for 10 paid.

17 CHAIRPERSON REID: And are --

18 MS. WILSON: Is it absolutely necessary to put

19 a number on volunteers if they come and go?

20 CHAIRPERSON REID: Wait a minute. And then in

21 addition to that 10, you had said 4 volunteers?

22 MS. WILSON: Well, that was what was there

23 before.

24 MR. GILREATH: For 45.

25 MS. WILSON: We had 4 volunteers.

26 CHAIRPERSON REID: Well, it is important

1 because the number of people has a bearing on the impact. So
2 if we don't have some type of parameters, then you could have
3 100 volunteers and that might have a negative impact on the
4 surroundings.

5 MS. WILSON: All right. Now the last time, we
6 didn't just say -- it came out to be four volunteers. But I
7 think what they said before was at one time. Because of
8 course volunteers are there for like one hour.

9 CHAIRPERSON REID: Well, then it should say --
10 it should stipulate that. Is four still a good number? Do
11 you want more?

12 MR. GILREATH: How about if we say eight? If
13 you said 4 to accommodate 45, theoretically you could use 8.
14 That doesn't mean you have to provide 8. We simply say you
15 cannot provide more than 8 volunteers.

16 MS. WILSON: Okay.

17 CHAIRPERSON REID: All right. Is that
18 acceptable?

19 MS. WILSON: That is acceptable.

20 CHAIRPERSON REID: You can accept that? Eight
21 on premises at any given time. No more than 8 on the premises
22 at any given time. Do you have that, staff? Okay. Let's
23 make sure that we don't combine the paid staff with the
24 volunteers. So make sure that that is separated. They have
25 10 paid staff members and in addition --

26 MS. KING: And not more than 8 volunteers.

1 CHAIRPERSON REID: At any given time. On the
2 premises at any given time. Okay?

3 MS. KING: We are amending 7 to add the
4 children should be escorted to the off-site play area in
5 groups no larger than 45. Drop-off and pick-up of the
6 students shall occur with adult supervision provided by the
7 school and as identified in Exhibit 34, Section D for the
8 record.

9 CHAIRPERSON REID: Okay.

10 MS. KING: And 9 remains unchanged.

11 MR. HOOD: Can I just ask a question? I just
12 want to add -- and I notice this was discussed in the first
13 case. What happens on those cold days when those kids can't
14 walk across two blocks to go and play on the playground? What
15 happens then?

16 MS. WILSON: The same thing in every school.
17 We have indoor.

18 MR. HOOD: But most schools have -- I don't see
19 where you have the space.

20 MS. WILSON: Well, where the children eat, they
21 can sit and talk. They got to the classrooms and they read and
22 they play checkers and they play chess.

23 CHAIRPERSON REID: Oh, you have a playroom or
24 something?

25 MS. WILSON: Yes. And there are places where
26 they can do exercises. You remember indoor recess.

1 MR. HOOD: Yes, I remember indoor recess.

2 MS. WILSON: No playing. You just had to sit
3 and play --

4 MR. HOOD: And the reason I brought that up is
5 because I remember indoor recess and I just don't see where
6 you have the space. Okay?

7 MS. WILSON: The same space that they are in to
8 do their lessons.

9 CHAIRPERSON REID: The building can accommodate
10 up to 300 students.

11 MS. KING: No, no, she said the playing field
12 could accommodate 300.

13 MS. WILSON: The playground.

14 CHAIRPERSON REID: Oh, that is right. That is
15 right. I am sorry, I got sidetracked.

16 MS. WILSON: You see, the same classroom where
17 you work, you go down to the cafeteria to eat and come back
18 and you read or you play checkers or you play chess, whatever.

19 MR. GILREATH: Well, I think you can apply that
20 principle to just any school facility. A large modern high
21 school, if there is a driving rain or snow, the kids don't go
22 out.

23 MS. WILSON: Right.

24 MR. GILREATH: So on the really inclement days,
25 you just let the kids stay in and you find things for them to
26 do, checkers or whatever. So to my mind, at least for me

1 personally, I don't think that is a problem.

2 MR. HOOD: Well, maybe it was different where I

3 went to school, Mr. Gilreath.

4 MR. GILREATH: Well, maybe.

5 MR. HOOD: We still had a nice little place to

6 play.

7 MR. GILREATH: You went out in the driving rain

8 and the snow?

9 MR. HOOD: No, no. We didn't go out in the

10 rain. But we had a nice place to play.

11 CHAIRPERSON REID: Can we take a vote? All in

12 favor?

13 ALL MEMBERS: Aye.

14 CHAIRPERSON REID: Opposed?

15 MS. KING: Who seconded my motion?

16 MR. GILREATH: I'll second it.

17 CHAIRPERSON REID: You seconded it, didn't you?

18 MR. GILREATH: I don't know.

19 CHAIRPERSON REID: It is Mr. Gilreath's motion.

20 MR. GILREATH: I started to, but then she

21 amended it.

22 CHAIRPERSON REID: We are all tired.

23 MR. GILREATH: She did a friendly amendment,

24 remember?

25 MR. HART: Staff will record the vote as 4 to

26 0, Mr. Gilreath, Mrs. King, Ms. Reid, and Mr. Hood. A summary

1 order.

2 CHAIRPERSON REID: Who seconded it?

3 MR. HART: I am sorry --

4 MR. HOOD: Mr. Gilreath seconded it.

5 MR. HART: No, no, no.

6 MS. KING: No, Mr. Gilreath proposed it and

7 Mrs. King seconded it.

8 MR. GILREATH: And for the reason indicated, it

9 was a friendly amendment to the existing order.

10 CHAIRPERSON REID: Yes.

11 MR. GILREATH: Okay.

12 MS. KING: There really is no such thing as a

13 friendly amendment.

14 MR. GILREATH: Well, an amendment. It is

15 amended. Okay. It just happened to be a friendly one.

16 CHAIRPERSON REID: Okay. Are we done? You

17 should have your summary order in about two weeks, Ms. Wilson.

18 Good luck. And that will conclude our hearing

19 for today.

20 (Whereupon, at 7:11 p.m., the hearing was

21 concluded.)

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